

# 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  
37th Legislative Day  
Wednesday, March 28, 2012

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

Prayer by The Reverend Theodore Kanellakis, Camden (retired).

National Anthem by Laura and Emily Mock, Holden.

Pledge of Allegiance.

Doctor of the day, Elisabeth Fowlie-Mock, MD, MPH, FAAFP, Holden.

The Journal of yesterday was read and approved.

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

#### COMMUNICATIONS

The Following Communication: (H.C. 348)

**SENATE OF MAINE  
125TH LEGISLATURE  
OFFICE OF THE PRESIDENT**

March 27, 2012

The Honorable Heather J.R. Priest

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Priest:

In reference to the action of the Senate on March 26, 2012 in which it Insisted and Asked for a Committee of Conference on L.D. 1610, "An Act to Amend the Law Regarding the Sale of Wood Pellets" (H.P. 1219) I am pleased to appoint the following as conferees on the part of the Senate:

Senator Jonathan T.E. Courtney of York

Senator Thomas B. Saviello of Franklin

Senator Troy D. Jackson of Aroostook

Please contact my office if you have any questions regarding these appointments.

Sincerely,

S/Kevin L. Raye

President of the Senate

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (S.C. 796)

**MAINE SENATE  
125TH LEGISLATURE  
OFFICE OF THE SECRETARY**

March 27, 2012

The Honorable Heather J.R. Priest

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Priest:

Please be advised the Senate today insisted to its previous action whereby it accepted Report "B" Ought Not to Pass from the Committee on State and Local Government on Resolve, Regarding Prequalification Processes for Contractors (S.P. 629) (L.D. 1821)

Sincerely,

S/Joseph G. Carleton, Jr.

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

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

#### PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Make Additional Supplemental Appropriations and Allocations and To Change Certain Provisions of the Law for the Fiscal Years Ending June 30, 2012 and June 30, 2013" (EMERGENCY)

(H.P. 1405) (L.D. 1903)

Sponsored by Representative FLOOD of Winthrop. (GOVERNOR'S BILL)

Cosponsored by Senator ROSEN of Hancock.

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

**REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

Sent for concurrence.

#### Pursuant to Statute

##### Department of Health and Human Services

Representative STRANG BURGESS for the **Department of Health and Human Services** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 30: Maine Uniform Accounting and Auditing Practices for Community Agencies, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

(H.P. 1404) (L.D. 1902)

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

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

Sent for concurrence.

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

#### SPECIAL SENTIMENT CALENDAR

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

##### Recognizing:

the members of the Catherine McAuley High School Girls Basketball Team, of Portland, who won the State Class A Championship: Molly Mack, Sadie DiPierro, Monia Mukiza, Morgan Wheeler, Alexa Coulombe, Allie Clement, Laura Holman, Mary Leasure, Olivia Smith, Lauren Coulombe, Victoria Lux, Kathryn Liziewski and Jackie Welch and coach Bill Goodman and assistant coaches Wade Millett and Bill Whitmore. This is the second consecutive title for the team. We extend our congratulations and best wishes to the team members on their achievement;

(HLS 1105)

Presented by Representative HARLOW of Portland.

Cosponsored by Senator BRANNIGAN of Cumberland, Representative HASKELL of Portland, Representative RUSSELL of Portland, Senator ALFOND of Cumberland, Representative

CHIPMAN of Portland, Representative HINCK of Portland, Representative STUCKEY of Portland, Representative DION of Portland.

On **OBJECTION** of Representative HARLOW of Portland, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

Representative **HARLOW**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I wanted to rise to congratulate the Catherine McAuley High School Girls Basketball Team for winning their second consecutive Class A State Girls Basketball Championship this year. They represented Catherine McAuley High School and the entire community well. We are so proud of this great group of young women and we wish them continued success in the future. Thank you.

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

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. The Sentiment for the Deering High School Rams Class A Boys Basketball champions was in our calendar a week or so ago. I took it to Portland to present it to the gentlemen on the team and they said, "Boy, we wish we could come to Augusta." I said, "You come ahead. We'll find a way to work you into the calendar today" and so I appreciate that very much. Deering High School has a storied history of being actually not involved in the championships. There was a time period, 1937, they were in the championship game. They lost to Winslow by a score of 16-14. That will tell you something about the games in 1937. Sometime between that time and 2001, when they began to become involved again in state championships, I graduated from that school, so I'm very proud of that and I won't tell you which one of those years, but it was sometime between those two times.

Since 2001, they've been in the championship for five different years. Three of those times it's been with Hampden Academy, so this has truly been a battle of the purple and white versus the purple and white. The auditorium was loaded with folks wearing purple and white cheering for both teams. I went to the game. It was a very exciting game. The team performed in the first half like a well-oiled machine. Moving right along at the end of the first half, the score was 21-21, and then they went into the locker room at halftime and instead of driving their little, I don't know whether they were Amish buggies just plodding along for that first half. During the third quarter, they were driving a Maserati because that team came out of the locker room, fired up and scored all of the points that were scored in the third quarter, and from then on it was history. This team won the Class A Championship. In addition to that, something I'm very proud of is this team also took home the good sportsmanship award for the boys basketball teams and that tells you something about a team that works and plays as hard as this team does, that they also do it with respect for their fellow teammates and for the other players. I'm very proud to have the Deering High School boys champions here today and recognize that. Thank you.

**REPORTS OF COMMITTEE**  
**Divided Reports**

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by**

**Committee Amendment "A" (S-475)** on Bill "An Act To Require the Maine Community College System, the University of Maine System and the Maine Maritime Academy To Report the Number of Students Enrolled in Remedial Courses"

(S.P. 544) (L.D. 1645)

Signed:

Senators:

LANGLEY of Hancock  
ALFOND of Cumberland

Representatives:

RICHARDSON of Carmel  
EDGECOMB of Caribou  
LOVEJOY of Portland  
MAKER of Calais  
McFADDEN of Dennysville  
NELSON of Falmouth  
RANKIN of Hiram  
WAGNER of Lewiston

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-476)** on same Bill.

Signed:

Senator:

MASON of Androscoggin

Representatives:

JOHNSON of Greenville  
McCLELLAN of Raymond

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (S-475)** Report.

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-475)**.

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-475)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-475)** in concurrence.

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-480)** on Bill "An Act To Improve Transportation in the State"

(S.P. 601) (L.D. 1753)

Signed:

Senators:

COLLINS of York  
DIAMOND of Cumberland  
THOMAS of Somerset

Representatives:

CEBRA of Naples

GILLWAY of Searsport  
MAZUREK of Rockland  
PARRY of Arundel  
PEOPLES of Westbrook  
RIOUX of Winterport  
ROSEN of Bucksport  
THERIAULT of Madawaska  
WILLETTE of Mapleton

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-481)** on same Bill.

Signed:

Representative:

HOGAN of Old Orchard Beach

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-480)**.

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-480)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-480)** in concurrence.

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The Speaker resumed the Chair.

The House was called to order by the Speaker.

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Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-834)** on Bill "An Act To Ensure Funding for the Victims' Compensation Fund"

(H.P. 1362) (L.D. 1841)

Signed:

Senators:

MASON of Androscoggin

WHITTEMORE of Somerset

Representatives:

PLUMMER of Windham

BLODGETT of Augusta

BURNS of Whiting

LONG of Sherman

MORISSETTE of Winslow

SANDERSON of Chelsea

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

Signed:

Senator:

GERZOFSKY of Cumberland

Representatives:

CLARKE of Bath

HANLEY of Gardiner

HASKELL of Portland

LAJOIE of Lewiston

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-834)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-834)** and sent for concurrence.

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Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Remove Inequity in Student Access to Certain Schools"

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

Signed:

Senators:

LANGLEY of Hancock

ALFOND of Cumberland

Representatives:

RICHARDSON of Carmel

EDGECOMB of Caribou

LOVEJOY of Portland

MAKER of Calais

McFADDEN of Dennysville

NELSON of Falmouth

RANKIN of Hiram

WAGNER of Lewiston

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-835)** on same Bill.

Signed:

Senator:

MASON of Androscoggin

Representatives:

JOHNSON of Greenville

McCLELLAN of Raymond

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

**READ.**

Representative RICHARDSON of Carmel 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 **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-840)** on Bill "An Act To Comply with the Health Insurance Exchange Provision of the Patient Protection and Affordable Care Act"

(H.P. 1098) (L.D. 1497)

Signed:

Senators:

WHITTEMORE of Somerset

SNOWE-MELLO of Androscoggin

Representatives:

RICHARDSON of Warren  
FITZPATRICK of Houlton  
McKANE of Newcastle  
MORISSETTE of Winslow  
PICCHIOTTI of Fairfield

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

Signed:

Senator:

BRANNIGAN of Cumberland

Representatives:

BEAUDOIN of Biddeford  
BECK of Waterville  
GOODE of Bangor  
MORRISON of South Portland  
TREAT of Hallowell

**READ.**

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

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

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

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

Representative **TREAT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I urge you to vote against the Majority Ought to Pass Report. I don't think this bill, in its current form, does anything positive for Maine consumers, for Maine businesses, or really for the Legislature which, by means of this particular bill, is going to be abdicating its responsibility to implement in a way that works for Maine people the Affordable Care Act. The consequence of passing this bill as the Majority Report is now constructed will be to reject doing anything that helps Maine get ready to implement a state-based health benefit exchange and to overregulate, probably in violation of the Affordable Care Act, the people who are supposed to help consumers use the exchange in order to purchase health insurance with the tax credits that we, as most middle class people in the State of Maine, will be able to get, which will pay a substantial part of the cost of that health insurance. We're going to have other opportunities to debate this issue so I don't want to spend a lot of time on this, but I would like to read from two.

One is a letter that came to the Insurance and Financial Services Committee and it was from a company that operates here in Maine, Delta Dental, an insurance company, and it's headed "Why a state-run exchange is better for Maine than a federally facilitated one." This bill in its original form would have created a state-run exchange. In its current form, if we go with the Majority Report, it will do virtually nothing. So we got this letter from Delta Dental and they said although there are reasoned positions for and against the constitutionality and/or the ultimate efficacy of the Patient Protection and Affordable Care Act, its passage in 2009 set in motion a course of actions in the insurance market that already have had consequences for Maine residents and its businesses. Private health care exchanges have been created and are already being utilized by businesses

and individuals throughout the country. Insurance companies are adapting to these changes and have created new business models and invested in internal systems to address these changing markets and small Maine businesses are analyzing their business models and new insurance company products and costs to reflect the health and dental insurance industries changes. NEDD, Northeast Delta Dental, believes it is prudent at this time for the state to put itself in the best position possible to address these changes. If Maine does not pass legislation to establish and create a state-run health and dental benefits exchange and if the ACA is not fully overturned by the U.S. Supreme Court...

The **SPEAKER**: Will the Representative defer? The Chair recognizes the Representative from Newcastle, Representative McKANE, and asks why the Representative rises.

Representative **McKANE**: I would request that the debate stay germane to the bill. This bill is about licensing of navigators within the exchange. It's not about the establishment of an exchange in the federal or state.

On **POINT OF ORDER**, Representative McKANE of Newcastle asked the Chair if the remarks of Representative TREAT of Hallowell were germane to the pending question.

Representative **TREAT**: Mr. Speaker, if I might, the title of this bill is "An Act To Comply with the Health Insurance Exchange Provision of the Patient Protection and Affordable Care Act," and it is only by Acceptance of the Majority Report, which I am debating, that it will turn into a downsized amendment that merely regulates navigators.

The **SPEAKER**: The Representative may continue.

The Chair reminded Representative TREAT of Hallowell to stay as close as possible to the pending question and that the Representative may continue.

Representative **TREAT**: Thank you, Mr. Speaker. Northeast Delta Dental went on to say as a longstanding business operating in Maine, we would prefer to sell in and be subject to the rules of a state-run exchange rather than a federally facilitated exchange. They said Maine consumers will have less of a voice, if at all, in the federal level on the many consumer issues presented by the ACA, and they said, finally, we believe ceding control of the exchange to the federal government will endanger Maine local and regional insurance carriers like Northeast Delta Dental, the quality products we offer and the community commitment we embrace.

I would just finally say, and again I am quoting the words of business advocates from something that was on our desk today from the Maine Chamber of Commerce, it's their newsletter, they said – this is about what happened in the committee when this bill was downsized to its present form – "...some business representatives in the room last week were left with the feeling that doing nothing this session was a lost opportunity. And the specter of the federal government running any exchange in Maine is clearly troubling." If we pass the Majority Report, that is a statement that we want to do basically nothing and I don't think that's the place we want to be in. I suggest that you vote no on the pending measure so that we can go on in the future to do something appropriate, more appropriate for Maine businesses and consumers.

The **SPEAKER**: The Chair recognizes the Representative from Bangor, Representative Goode.

Representative **GOODE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in opposition to the pending motion. Stakeholders and legislators have worked for nearly two years on implementing a health insurance exchange in Maine. A well designed exchange can help small businesses and individuals band together to negotiate group

rates for quality, affordable health care. Unfortunately, the bill before us falls short on those goals. But don't take my word for it. Mississippi's Insurance Commissioner Mike Chaney served in a solidly red state. Commissioner Chaney has stated, and I quote, "There are portions in that act that are good parts. And that part happens to be the exchange. It's not a Republican idea. It is not a Democratic idea. It is a universal idea, and it has been around a long time. We don't want an exchange from the Federal Government that is one size fits all." His Governor, Republican Haley Barbour, opposes the individual mandate that's being debated this week in the Supreme Court, and despite his opposition to that part of the Affordable Care Act, Governor Barbour is an outright supporter of his state setting up a health insurance exchange. So the question before us has to do with whether or not our state will implement an exchange. We know that middle class families and small businesses are feeling squeezed by the tough economy and this bill before us misses an opportunity to put more money in the pockets of middle class families. There are tax credits available for people purchasing insurance through a state-based exchange. I looked up a family of four earning \$46,000 a year, I think it's the median income in Maine, may be eligible for a credit of up to \$10,000 a year. By not acting this session to implement the exchange, we may miss that opportunity.

I want to echo the Representative from Hallowell's statements around the Joint Select Committee on Health Care Reform in the 124th Legislature, an advisory committee in this Legislature and the current Insurance and Financial Services Committee hearing consistent testimony from stakeholders advocating for a state-run exchange. Of course those stakeholders disagree in elements of governance of that exchange, but representatives from the insurance industry, provider and hospital groups, business organization and consumer groups consistently said that we should not abdicate our responsibility to the Federal Government around running an exchange we can have control over.

I just want to reference again the Chamber newsletter that came across our desks today. The quote on the front of it said that it is a "...decidedly unfortunate outcome on a particularly important public policy question." So I don't believe we should let future court decisions or unknown election results get in the way of our goal to make it easier for people to get good health care. I urge you to oppose the pending motion. Thank you.

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

Representative **McKANE**: Thank you, Mr. Speaker. I would love to talk about health care exchanges, but I'm going to save it for when we have the health care exchange bill. Now the title of this bill had been changed in committee. If you look at the summary, you will see it says that the title has been changed, although in the printed version it has not been changed.

A couple of things about this bill. The good Representative from Hallowell said this is probably in violation of the ACA. It is most definitely not in violation of the ACA. All that this bill does in its amended form is require that any navigators within an exchange, either a state exchange or a federal exchange, whatever Maine ends up with, and I hope not a state exchange for a number of reasons that I will get into when we debate the exchange bill. But those navigators must be licensed by the State of Maine. It means they have to know what they're talking about. They have to know a little bit about health insurance law and they have to know a little bit about the products that are out there. That's all this bill does. That's it. The exchange bill about forming a state exchange or a federal exchange is coming up and I think we should save our debate on that issue for when it comes up. Again, this is only about requiring the people who man the

phones and do the navigating know a little bit about what they're talking. Thank you, Mr. Speaker.

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

**ROLL CALL NO. 277**

YEA - Ayotte, Beaulieu, Bennett, Black, Burns DC, Cebra, Chase, Clark T, Crafts, 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, Rosen, Sarty, Sirocki, 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, Casavant, Chapman, Chipman, Clark H, Clarke, Cornell du Houx, Dill J, Dion, Driscoll, Duchesne, Eberle, Eves, Flemings, Gilbert, Goode, Graham, Hanley, Harlow, Haskell, Hayes, Herbig, Hogan, Hunt, Innes Walsh, Kruger, Kumiega, Lajoie, Longstaff, Lovejoy, Luchini, MacDonald, Maloney, Martin, Mazurek, McCabe, Monaghan-Derrig, Morrison, Nelson, O'Brien, Peoples, Peterson, Pilon, Priest, Rankin, Rochelo, Rotundo, Russell, Sanborn, Shaw, Stevens, Strang Burgess, Stuckey, Theriault, Treat, Tuttle, Valentino, Wagner R, Webster, Welsh.

ABSENT - Beck, Bickford, Carey, Celli, Cotta, Cray, Hinck, Kaenrath, Kent, Sanderson.

Yes, 71; No, 69; Absent, 10; Vacant, 1; Excused, 0.

71 having voted in the affirmative and 69 voted in the negative, 1 vacancy with 10 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-840)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-840)** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-839)** on Bill "An Act To Promote Agricultural Activity in Maine by Limiting the Liability for Agritourism Activities"

(H.P. 1214) (L.D. 1605)

Signed:

Representatives:

NASS of Acton  
 BEAULIEU of Auburn  
 FOSSEL of Alna  
 MALONEY of Augusta  
 MOULTON of York  
 SARTY of Denmark  
 WATERHOUSE of Bridgton

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

Signed:

Senators:

HASTINGS of Oxford

DILL of Cumberland  
 WOODBURY of Cumberland

Representatives:

MONAGHAN-DERRIG of Cape Elizabeth  
 PRIEST of Brunswick  
 ROCHELO of Biddeford

**READ.**

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

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

Representative LIBBY: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I did submit this bill. I had some constituents that actually brought it to me, that's why it came into Second Session. When we're looking at agriculture, obviously we need that here in the State of Maine. With no farms we have no food. When we look at agriculture in the State of Maine, a lot of the wholesaler culture has gone on to your land values, property taxes obviously, but employment opportunities, the cost of labor, moving out of the area. When we look at agriculture that's left here, a lot has to do with direct sales, pick your own, entertainment, education, educating the children of where the food actually comes from. These are very good things that happen. It increases agriculture here and has allowed farms to stay going.

One of the burdens that they have is insurance. When you look at agriculture, you look at a farm, a working farm, it's different than a lot of other entities. It's different than a store. Now you can't have nice smooth walkways. You can't pave the roads down cultivated roads. You have to keep a working farm. So what this bill does, it just talks about the inherent risk. A woodchuck hole, it cannot control the woodchucks on farms. It just can't happen. They are going to dig holes and somebody could trip and, as unfortunate as it is, it's hard to be able to then go and sue the person because of that, so there's inherent risk. This isn't neglect. This isn't, you know, something, a travesty that the person could avoid. These are just inherent risks that you are on a farm.

Nine states have already passed this, very similar to it: Kansas, Oklahoma, North Carolina, Virginia, Illinois, Louisiana, Utah, Tennessee and North Dakota. This is also very similar to our equine bill that was passed in 1999, so this is not out of the realm of possibility. This does not take any government spending. This is not a program. There is no government department or anything that has to do with this. This does not take away from the insurance companies. You will still have to have an insurance policy. This will not keep anything out of court. Anyone can still sue a farmer when they bring it in, but this just gives a little bit of weight behind the farmers saying if you trip in a tractor rut, you cannot be sued. Please, I'd like you to support this. Support the farmer and when the vote is done, I would like to request a division. Thank you.

Representative PRIEST of Brunswick **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 Brunswick, Representative Priest.

Representative PRIEST: Thank you, Mr. Speaker. Mr. Speaker, this bill attempts to solve what is obviously a problem with agritourism and that is that it's very difficult to get affordable insurance. The bill attempts to solve that problem by exempting

agritourism from the inherent risk of that activity, but this bill has what I see as a severe problem. In one part, it seems to grant immunity to the farmer. It says "Except as provided in subsection 2, an agritourism professional is not liable for any property damage or damages arising from the personal injury of a participant resulting from the inherent risks of agritourism activities." And then in another part, it says, oh wait a minute, maybe the farmer is liable after all because, in the subsection 2, it says "Nothing in subsection 1 prevents or limits the liability of an agritourism professional if the agritourism professional commits an act or omission that constitutes negligence or reckless disregard for the safety of others, and that act or omission causes an injury."

Now, for example, if I'm a farmer, I'm engaging in agritourism and I've got a bull, and bulls, as you know, tend to be pretty feisty. I come to my insurance agent or my lawyer. I say "Am I going to be liable if this bull gores somebody?" Well, if you look at the bill...

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

Representative PRIEST: Thank you. You look at the bill, it says that you are not liable for the behavior of wild and domestic animals, including but not limited to the depositing of manure. Great. But then again, you go down to subsection 2 and it says that you are liable if you have actual knowledge or reasonably should have known of a dangerous condition of the land, facilities or equipment used in an agritourism industry or the dangerous propensity of a particular animal used in the agritourism activity. Well, are you liable or are you not liable? And I don't know and your lawyer is not going to know. What that means is this farmer is going to get sued. Now maybe you will get immunity, but maybe you won't. In any case, this bill is not going to help it out. The solution here is not immunity. The solution is to get affordable insurance for agritourism. Is that impossible? We don't know. That was never looked at. Somebody ought to look at it. This bill is not the solution.

This bill also leads to a future problem. Are we going to deal with high insurance costs by exempting industries from any kind of liability? What's next? Lobstermen, loggers, the construction industry? Where does it stop? There is no clear way of telling where it stops. And in fact, in the Maine Constitution, I would read to you Section 19 of Article I which says "Right of redress for injuries. Every person, for an injury inflicted on the person or the person's reputation, property or immunities, shall have remedy by due course of law;..." If we keep exempting industries out, we are really going against that tradition in the Maine Constitution. This bill is trying to solve a problem which it does not solve. I therefore ask you to vote against it and vote red on this. Thank you.

The SPEAKER: The Chair recognizes the Representative from Acton, Representative Nass.

Representative NASS: Thank you, Mr. Speaker. I certainly hope that everyone listens to my good friend from Waterboro, but I'd like to remind everyone that the last crop in a field is a house. We need to do all we can do to keep the landscape with farmers and farms. I was on a comprehensive plan in our town and sent out a survey and one of the number one things that people voted that needed to stay was the countryside and the rural air of having our local farms. We may have lots of farms up north, but they are certainly diminishing in the south. Farmers need to have an alternative means in order to keep their farms. Having agritourism business is just merely diversifying, and how can they do that? They need to be exempt from sue-happy people. If we can do that small thing, why that's saying to them put up a sign and let people know that you can't climb that fence.



I happen to have a farm. It's not a working farm, but, you know, we have potholes. I have animals in the woods and people that gut their deer on my trails. Should they slip in that, are they going to sue me? You know, if it were a business where people come to see what a farm is like, we have people that come to our yard and go through the garden and say things like "What are those green things?" I say "Carrots" and they say "Where's the orange?" They don't even know that they're in the ground. We need to promote farms. We need to promote that food grows locally, that food is a natural thing and doesn't come in a plastic bag. I personally would like to do everything that we can to help promote agritourism as a means of keeping our farms. Thank you.

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

Representative VALENTINO: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think this bill comes up at a wonderful time because I just attended Maine Maple Sunday here in the State of Maine, and I must say that I ate a lot of pancakes last weekend. Anybody who saw my Facebook would know that or look at me. I started off over at Andy's Agway with pancakes, went through their sugarhouse. They had pony rides there. This was a great event for one day out of the year that they do that. Then I went over to Harris Farm in Dayton also, had some more pancakes, homemade doughnuts, went to their sugarhouse. They have cross-country skiing here. They make butter. I passed by Boiling Spring Farm where I also cut my Christmas trees every year and went over by Anderson Farm where they have the corn maze, the petting zoo, the hayrides. Snell Farm where I go to pick the apples. This is all in my area. I represent Saco, which you may think is a city, but I'm way out in the country and my husband is a farmer. We don't do any agritourism, but we support agritourism one hundred percent.

And I must say I support the good Representative from Limerick on this. I've been to his farm. I've picked the blueberries in the pouring rain out there when we had a farm stand, I've picked the apples and I've been amazed at what he has done to sustain his farm and to make it attractive, whether it's having a folksinger in on the weekends, to have some hotdogs, to have his homemade blueberry doughnuts. I think it's wonderful what the farmers are doing. I'm amazed at the diversity that the farmers have tried, whether it's Gonneville's Ice Cream that I go to. These are all farms and they've all tried a different niche to try and do something different to sustain their way of life, to keep their open space and to preserve their way of life. I think that among a lot of the other things that we've passed for farmers, whether it was gambling or whether it was liquor laws, this is something that they are trying to do within their purview to get people to their farms. And I know that when I go someplace I feel that I have a responsibility to watch out for myself and if I trip over a pothole, I know I'm not going to go into a place with a bull and I learned the hard way when I touched an electric fence one time to see if it was on and it was on, and I know better now.

You know, I think the mentality of everybody has to be liable for every single circumstance that comes up does not fare well, and I think that there's a personal responsibility. I applaud the farmers, I applaud the diversity that they have on the farms, and I certainly applaud the good Representative from Limerick for bringing this up and for having a wonderful agricultural operation and trying to succeed in a tough economy. So I fully support, I'm not sure of the motion now, support the bill.

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. In this overly litigated society of ours, I often wonder what would have happened say in the 18th century, if this existed, and John Newton was sitting under an apple tree and then struck on the head. Rather than going into a study to ponder the effects of gravity and bringing forth the great research that he did, he probably would have walked to the local barrister and sued the farmer for having a tree with weak apple stems. This bill is simply a choice between lawyers and farmers, and it ought to be easy.

The SPEAKER: The Chair recognizes the Representative from Denmark, Representative Sarty.

Representative SARTY: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Sitting on Judiciary we deal with a lot of technicalities in law and there are more qualified than I to make determinations. But I do recall recently, within the last month or two, we had a bill that had certain language in it that I brought to the attention of everyone and I said, gee, this is noteworthy. The law has actually referred to the term "common sense." It's actually two words here. What we're talking about here are working farms that, through social interest, are willing to open up their lands, their property, to allow the public to come in and see what a working farm is.

We are school busing children to working farms to see what a farm is like. We are encouraging farmer's markets. We are encouraging people to participate with working farms, to buy their produce. All this bill does is give those farmers consideration that are willing to open up their properties to the public to come in and see what agriculture is all about and take some of the pressure of liability, through the endless litigation that is so popular in our society, off the farmer, no differently than we have already done for ski areas, that we've already done for the equine people who have horse riding facilities and so forth. It's the right thing to do. It's a common sense thing to do. It does not take away the possibility of a lawsuit. It basically just creates a situation where insurance companies can't stack up rate increases because farmers are willing to interact with society and let them understand a little bit about agriculture. That's all this bill is about.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Monaghan-Derrig.

Representative MONAGHAN-DERRIG: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today with some apprehension on this bill as my district has many small farms, some that have experienced a positive resurgence in the past five years. My reason for having some concerns about this bill is that I just simply believe that if a farm, an established business, chooses to get involved in adding more revenue to its business by getting involved with a tourist attraction and supplement its business, they really need to play by the rules of the tourist industry.

In addition to serving on the Legislature, I manage and operate a segway tour organization in Portland, Maine. We go to great lengths of adhering by the liability rules. We pay a hefty insurance premium, \$2 million per occurrence to be exact. I think our biggest goal is to make sure our guests are safe and we do this by having them read and acknowledge a safety checklist, also go through rigorous half hour to 45 minute training before we go outside on our guided tours, and we also have them sign a waiver form. In addition to our business in Boston, we operated, we conducted about 3,000 tours last summer through November, and I can tell you that of all those 3,000 tours that we took, we had 15 accidents, three that required having them go to the emergency room, yet no one, no one filed any type of suit or

additional insurance payment. So, honestly, I am not against farms. I am really not against farms. You know, I do everything I can to support the agriculture industry in Maine, but I am a tourism professional as well and I support tourism in Maine as well and I think we should all consider that as we vote for this bill.

One last thing I just want to add is that, you know, I am worried about this bill as it will open the door for other businesses such as the commercial fishing and lobster industry who also supplement their income by offering tours and fishing excursions. So I ask everyone, please, respectfully, to vote for the Minority Report. Thank you.

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

Representative **PRIEST**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. The issue here is not whether we love our farmers or not, we all do. The issue is not whether we want agritourism, we all do. The real question is will this bill help farmers get cheaper insurance and there has been absolutely no evidence that that's going to happen. The internal problems with this bill are going to guarantee that there's going to be litigation. The problem is insurance. This bill doesn't solve that problem. Thank you.

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

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I would love to stand in support of the pending motion because it would be a nice financial windfall for myself and my family. I think our farm could certainly open itself up. We're in a good area near the I-95 corridor with many small farms locally where we could invite people to come on to the farm and charge them to do so. We wouldn't have to buy insurance like other businesses do. And perhaps, next year, I could bring back another bill that would allow my brother who does forestry work and actually conducts trainings in low impact forestry to have a similar carve out for this business and not have to pay insurance to do that work.

I do believe, Mr. Speaker, that I need to go with my conscience here and oppose the pending motion because, if I choose to charge people to come on to my property, I should be treated the same way that other businesses are. I should play by the same rules. I think if there are reforms that we need for our insurance requirements for businesses, then by all means we should look at that, but we should do it holistically. We should not carve out one and then another kind of business because that's the wrong way to make policy. Thank you, Mr. Speaker.

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

Representative **TIMBERLAKE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I stand before you today as one of those farmers who runs an agtourism facility at our place. I'd rather take my chances with this bill than without it. The ski industry has a very similar bill to this, but it reads on the back of the ticket that you're taking your chances. That's all we're asking for, is to be treated the same as the ski industry in Maine.

This bill is to help preserve the farm and open space in the State of Maine. It does not exempt me or any other farm in the State of Maine from having to buy insurance. I'll still have to buy insurance. My hope is that, at the end of the day, my insurance may be a little or may be even substantially cheaper than it is today. I'm not trying to get out of doing anything. They're still going to have the right to sue me. I am one of them farms that has been sued because somebody got stung while they were picking apples at my farm. So it has happened and it does happen. I can't control the bees, I can't control the woodchucks

and all the other wild animals that roam through our orchard. But this bill helps us, at the end of the day, preserve farms and open space in Maine, and I think anything that we can do to help the small farmer or any farmer, whether it be the mom-and-pop or the family farm or any other farm around, that we can do to preserve this space and integrity. I think this is a bill that we need to pass, and I just hope that you'll support me and follow me and follow my light. Thank you.

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

**ROLL CALL NO. 278**

YEA - Ayotte, Beaulieu, Beavers, Beliveau, Bennett, Bickford, Black, Blodgett, Bolduc, Briggs, Burns DC, Casavant, Cebra, Chapman, Chase, Clark H, Clark T, Clarke, Cotta, Crafts, Crockett, Curtis, Cushing, Damon, Davis, Dill J, Dion, Dow, Driscoll, Dunphy, Edgecomb, Espling, Eves, Fiitts, Fitzpatrick, Flood, Fossil, Foster, Fredette, Gifford, Gilbert, Gillway, Graham, Guerin, Hamper, Hanley, Harmon, Harvell, Herbig, Hogan, Hunt, Innes Walsh, Johnson D, Johnson P, Keschl, Knapp, Knight, Kumiega, Libby, Long, Longstaff, Lovejoy, Luchini, MacDonald, Maker, Malaby, Maloney, Martin, McCabe, McClellan, McFadden, McKane, Morissette, Morrison, Moulton, Nass, Newendyke, O'Brien, O'Connor, Olsen, Parker, Parry, Peoples, Peterson, Picchiotti, Pilon, Plummer, Prescott, Rankin, Richardson D, Richardson W, Rioux, Rosen, Sanborn, Sarty, Shaw, Sirocki, Stevens, Strang Burgess, Theriault, Tilton, Timberlake, Turner, Tuttle, Valentino, Volk, Wallace, Waterhouse, Weaver, Welsh, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

NAY - Beaudoin, Berry, Boland, Bryant, Cain, Chipman, Cornell du Houx, Duchesne, Eberle, Flemings, Goode, Harlow, Hayes, Kruger, Lajoie, Mazurek, Monaghan-Derrig, Nelson, Priest, Rochelo, Rotundo, Russell, Stuckey, Treat, Wagner R, Webster.

ABSENT - Beck, Carey, Celli, Cray, Haskell, Hinck, Kaenrath, Kent, Sanderson.

Yes, 115; No, 26; Absent, 9; Vacant, 1; Excused, 0.

115 having voted in the affirmative and 26 voted in the negative, 1 vacancy with 9 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-839)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-839)** and sent for concurrence.

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-836)** on Bill "An Act To Encourage Enrollment in High School Electrical Education Programs"

(H.P. 1353) (L.D. 1833)

Signed:

Senator:

JACKSON of Aroostook

Representatives:

DOW of Waldoboro

DRISCOLL of Westbrook

GILBERT of Jay

HERBIG of Belfast  
HUNT of Buxton  
TUTTLE of Sanford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-837)** on same Bill.

Signed:  
Senators:  
RECTOR of Knox  
MARTIN of Kennebec

Representatives:  
PRESCOTT of Topsham  
NEWENDYKE of Litchfield  
VOLK of Scarborough  
WALLACE of Dexter

**READ.**

Representative PRESCOTT of Topsham moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

On further motion of the same Representative, **TABLED** pending her motion to **ACCEPT** the Minority **Ought to Pass as Amended** Report and later today assigned.

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**ENACTORS**  
**Emergency Measure**

An Act To Allow for a Contingency Fee Agreement with a MaineCare Program Integrity Recovery Audit Contractor  
(S.P. 539) (L.D. 1629)  
(C. "A" S-470)

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

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

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**Emergency Measure**

An Act To Expand the Availability of Natural Gas to Maine Residents  
(S.P. 543) (L.D. 1644)  
(C. "A" S-461)

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

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**Emergency Mandate**

Resolve, Regarding Legislative Review of Chapter 33: Regulations Governing Timeout Rooms, Therapeutic Restraints and Aversives in Public Schools and Approved Private Schools, a Major Substantive Rule of the Department of Education  
(H.P. 1360) (L.D. 1838)  
(C. "A" H-820)

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

Representative CURTIS of Madison **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.

On further motion of the same Representative, **TABLED** pending **FINAL PASSAGE** and later today assigned. (Roll Call Ordered)

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**Mandate**

An Act To Prepare Maine People for the Future Economy  
(S.P. 439) (L.D. 1422)  
(C. "A" S-477)

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

On motion of Representative CURTIS of Madison, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

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**Acts**

An Act To Establish a Dental Adjudicatory Panel System  
(S.P. 301) (L.D. 955)  
(C. "A" S-482)

An Act To Impose a Penalty for Making False Claims Regarding Affiliation with a Federally Recognized Tribe  
(H.P. 1201) (L.D. 1595)  
(C. "A" H-821)

An Act To Limit Payment for Care and Treatment of Residents of State Institutions  
(S.P. 538) (L.D. 1628)  
(C. "A" S-468)

An Act To Restrict Further the Amount of Methamphetamine Precursors That May Be Bought or Sold  
(H.P. 1266) (L.D. 1714)  
(C. "A" H-822)

An Act To Amend the Maine Wild Mushroom Harvesting Certification Program  
(H.P. 1343) (L.D. 1823)  
(C. "A" H-823)

An Act To Amend the Laws Concerning Municipal Inspections of Establishments  
(H.P. 1369) (L.D. 1851)  
(C. "A" H-824)

An Act To Clarify the Regulation of Private Natural Gas Pipelines  
(S.P. 660) (L.D. 1883)  
(C. "A" S-479)

An Act To Implement the Recommendations of the Joint Standing Committee on Education and Cultural Affairs after Its Review of the Maine Health and Higher Educational Facilities Authority Pursuant to the State Government Evaluation Act  
(H.P. 1401) (L.D. 1899)

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

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**Resolves**

Resolve, To Require Rulemaking Regarding Standing To Appeal in Proceedings before the Board of Environmental Protection and the Maine Land Use Regulation Commission  
(S.P. 546) (L.D. 1647)  
(C. "A" S-464)

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

On motion of Representative ROSEN of Bucksport, the House adjourned at 12:12 p.m., until 10:00 a.m., Thursday, March 29, 2012.

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

**ORDERS**

On motion of Representative ROSEN of Bucksport, the following Joint Resolution: (H.P. 1406) (Cosponsored by Senator ROSEN of Hancock and Representatives: CURTIS of Madison, HAYES of Buckfield, KESCHL of Belgrade, KNAPP of Gorham, MAKER of Calais, NASS of Acton, O'CONNOR of Berwick, TURNER of Burlington)

**JOINT RESOLUTION TO PROMOTE CHRONIC OBSTRUCTIVE PULMONARY DISEASE AWARENESS**

WHEREAS, Chronic Obstructive Pulmonary Disease, or COPD, is a term used to describe an airflow obstruction disease that is associated mainly with emphysema and chronic bronchitis; and

WHEREAS, COPD affects an estimated 24 million people and kills more than 120,000 Americans every year; on average, one person dies from COPD every 4 minutes, an alarming statistic for a disease many have not learned about; and

WHEREAS, in 2010, the federal National Center for Health Statistics released a report stating that in 2008 COPD became the 3rd leading cause of death in the United States; and

WHEREAS, pulmonary experts predict that, by 2020, COPD will become the 3rd leading cause of death worldwide; and

WHEREAS, COPD currently accounts for 1,500,000 emergency room visits, 726,000 hospitalizations and 8,000,000 physician's office and hospital outpatient visits, all of which are a detriment to the United States economy, and COPD costs the nation an estimated \$42,600,000,000 in direct and indirect medical costs annually; and

WHEREAS, research has identified a hereditary protein deficiency called Alpha-1 Antitrypsin; people with this deficiency tend to develop COPD, even without exposure to smoking or environmental triggers; and

WHEREAS, recently the death rate for women with COPD has surpassed the death rate for men with COPD; women over the age of 40 are the fastest-growing segment of the population developing this irreversible disease; and

WHEREAS, there is currently no cure for COPD; spirometry testing and medical treatments exist to identify and address symptoms and possibly slow the progression of the disease; and

WHEREAS, until there is a cure, the best approaches to preventing COPD and its considerable health, societal and mortality effects lie with education, awareness and expanded delivery of detection and management protocols; now, therefore, be it

**RESOLVED:** That We, the Members of the One Hundred and Twenty-fifth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to encourage more awareness of this deadly disease and its effects on the citizens of this State in order that we may reduce future cases of Chronic Obstructive Pulmonary Disease.

**READ and ADOPTED.**

Sent for concurrence.

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

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