

# 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  
41st Legislative Day  
Tuesday, April 3, 2012

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

Prayer by the Honorable Roberta B. Beavers, South Berwick.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

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**SENATE PAPERS**

The following Joint Resolution: (S.P. 679)

**JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF  
THE UNITED STATES AND THE UNITED STATES  
CONGRESS TO REFORM THE FEDERAL TOXIC  
SUBSTANCES CONTROL ACT OF 1976**

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

WHEREAS, a child and a developing fetus are uniquely vulnerable to the health threats of toxic chemicals; and

WHEREAS, a growing body of peer-reviewed scientific evidence links exposure to toxic chemicals with many diseases and health problems, including prostate cancer, breast cancer, learning and developmental disabilities, infertility and obesity; and

WHEREAS, the effects of toxic chemicals place an undue burden on states, including increasing health care costs, environmental damage and demands for state regulation; and

WHEREAS, businesses that lack information on the effects of chemicals in their supply chain are at a disadvantage; and

WHEREAS, the governing federal law, the Toxic Substances Control Act of 1976, was intended to protect public health from toxic chemicals; and

WHEREAS, at the time when the federal Toxic Substances Control Act of 1976 was passed, there were about 62,000 chemicals in commerce that were grandfathered without the testing currently required for potential health and safety hazards or any restrictions on known chemical hazards; and

WHEREAS, in the 35 years since the federal Toxic Substances Control Act of 1976 was passed, the United States Environmental Protection Agency has required testing to be conducted on only about 200 of those chemicals for health hazards and has restricted the use of only 5 chemicals; and

WHEREAS, the federal Toxic Substances Control Act of 1976 has been widely recognized as ineffective and obsolete due to procedural hurdles that prevent the United States Environmental Protection Agency from taking quick and effective action to protect the public against well-known chemical threats; and

WHEREAS, in 2008 the Maine Legislature enacted, and in 2011 amended, the Kid Safe Products Act with broad bipartisan support as a comprehensive safer chemical policy reform; and

WHEREAS, state policy leadership cannot substitute for congressional action to modernize the federal Toxic Substances Control Act of 1976, a reform all parties agree is urgently needed; and

WHEREAS, federal legislation to reform the federal Toxic Substances Control Act of 1976, the Safe Chemicals Act of 2011, is under consideration in the 112th Congress; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the President of the United States and the

United States Congress modernize the federal Toxic Substances Control Act of 1976 in a manner that ensures the safety of chemicals in everyday products and that uses the best scientific data to protect the health of vulnerable groups, such as children, while promoting business innovation and making timely decisions on chemicals of highest concern; and be it further

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

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

**READ** and **ADOPTED** in concurrence.

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**COMMUNICATIONS**

The Following Communication: (H.C. 353)

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

April 2, 2012

The 125th Legislature of the State of Maine  
State House

Augusta, Maine

Dear Honorable Members of the 125th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1003, "Resolve, To Assist Maine Schools To Obtain Federal Funds for Medically Necessary Services."

As members of the Legislature know, the Department of Health and Human Services is under constant pressure trying to fix the large number of problems found in the MaineCare benefit program. This Resolve would simply be a distraction from their other important duties. I have strong objections to the Legislature directing efforts of the Executive branch without providing funding for that purpose, especially when my departments are already working tirelessly on these issues. Further, Maine law already requires stakeholder input on such MaineCare changes, making this Resolve unnecessary.

Another problem with this Resolve is that it attempts to force action before we have all the facts. The Federal Inspector General is currently undertaking an audit of our school-based MaineCare service program and it is unclear what their findings will be. It is possible that we will be required to repay the Federal Government for past misuses of funds. We need the facts before we can make informed decisions on programmatic changes.

Lastly, we are currently dealing with problems created by years of reliance on Federal funds. Those problems were made worse by playing loose with the rules. If we are going to enter into Federal-State partnerships in the future, we need to understand all the details up front and make sure we do not leave future taxpayers with huge bills to pay from audit findings. We cannot lose our sense simply because there is a promise of a big check.

For these reasons, I am returning LD 1003 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage

Governor

**READ** and **ORDERED PLACED ON FILE**.

The accompanying item Resolve, To Assist Maine Schools To Obtain Federal Funds for Medically Necessary Services (EMERGENCY)

(H.P. 739) (L.D. 1003)  
(C. "A" H-788)

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Nelson.

Representative **NELSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill is a bill that the Education Committee has been working on for several years. Several years ago, school systems were able to bill Medicaid for services provided to children in school settings that were required by their individual education program, their IEP. A rule passed by the Health and Human Services Department changed that and they were no longer able to bill for those services.

The superintendents, school boards – I'm reading from some of the testimony – superintendents, school boards and school systems have been made aware that other states are taking advantage of these vital federal Medicaid dollars to offset some of the financial burden of providing health related services to children identified under Individuals with Disabilities Education Act, IDEA. Many states, including New Hampshire, New York and a variety of other states, have school based programs which provide these services to children in the State of Maine. The State of Maine, the schools are now not drawing down up to \$30 million of federal Medicaid reimbursement funds for services provided to children in schools because the rule does not provide for a school-based program.

This bill is a Resolve to have the Health and Human Services Department and the Department of Education look at the rules and put in place a school-based program to enable us to access those programs which are legitimately reimbursable to the state from federal Medicaid dollars. This is not any attempt to try to fix the system or work the system or do anything except provide services to children, the services are required for those children, and to help the schools to provide those services within the school setting. I urge you to overturn the veto. Thank you.

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

Representative **WAGNER**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I understand most of the second floor's actions. I don't necessarily agree with them, but I understand them. This I do not understand. We have a Unanimous Committee Report after at least two years of consideration of this issue. We had no roll call votes in either the other body or the House.

Three years ago, we received \$37 million in federal dollars, non-matched dollars, for medically necessary services, for children who are developmentally and physically delayed and services provided in the schools. But because of three years of miscommunication and lack of coordination between the Department of Health and Human Services and the Department of Education, which began in the previous administration, we are now receiving only \$7 million of those federal funds.

The committee has asked the Department of Health and Human Services and the Department of Education to get together and to work out the problems of billing for these services. We've asked them for a year and a half to two years to do that. They have not. I don't know whether they didn't have enough time or what, but they have not done it. It is critical that we get these dollars now and the Resolve to ask them to get together, work out whatever the differences are, is certainly in order. I strongly urge you to override this veto of a bill sponsored by the Representative from Caribou. Thank you.

After reconsideration, the House proceeded to vote on the question, 'Shall this Resolve become a law notwithstanding the objections of the Governor?' A roll call was taken.

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

**ROLL CALL NO. 285V**

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Beliveau, Bennett, Berry, Bickford, Black, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Casavant, Cebra, Chapman, Chase, Chipman, Clark H, Clark T, Clarke, Cornell du Houx, Cotta, Crafts, Cray, Damon, Davis, Dill J, Dion, Dow, Driscoll, Duchesne, Dunphy, Eberle, Edgecomb, Fitts, Fitzpatrick, Flood, Fossil, Foster, Fredette, Gifford, Gilbert, Gillway, Goode, Graham, Hanley, Harlow, Harmon, Haskell, Hayes, Hinck, Hogan, Innes Walsh, Johnson D, Johnson P, Kaenrath, Kent, Keschl, Knapp, Knight, Kruger, Kumiega, Lajoie, Libby, Longstaff, Lovejoy, MacDonald, Maker, Malaby, Maloney, Martin, Mazurek, McClellan, McFadden, McKane, Monaghan-Derrig, Morissette, Morrison, Moulton, Nass, Nelson, Newendyke, O'Brien, Olsen, Parry, Peoples, Peterson, Picchiotti, Pilon, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Rosen, Rotundo, Russell, Sanborn, Sarty, Shaw, Stevens, Strang Burgess, Stuckey, Theriault, Tilton, Treat, Turner, Tuttle, Valentino, Volk, Wagner R, Wallace, Webster, Welsh, Willette M, Winsor, Wood, Mr. Speaker.

NAY - Burns DC, Crockett, Curtis, Cushing, Espling, Guerin, Hamper, Long, O'Connor, Parker, Rioux, Sanderson, Strocki, Timberlake, Waterhouse, Weaver.

ABSENT - Celli, Eves, Flemings, Harvell, Herbig, Hunt, Luchini, McCabe, Rochelo, Willette A.

Yes, 124; No, 16; Absent, 10; Vacant, 1; Excused, 0.

124 having voted in the affirmative and 16 voted in the negative, 1 vacancy with 10 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (S.C. 815)

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

April 2, 2012

The Honorable Robert W. Nutting

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Nutting:

In accordance with 3 M.R.S.A. §158 and Joint Rule 506 of the 125th Maine Legislature, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Committee on Environment and Natural Resources, the nomination of Thomas A. Urquhart of Falmouth for reappointment to the Outdoor Heritage Fund Board.

Upon the recommendation of the Committee on Environment and Natural Resources, the nomination of Jack W. Witham of Arrowsic for appointment to the Outdoor Heritage Fund Board.

Upon the recommendation of the Committee on Environment and Natural Resources, the nomination of Dr. Thomas E. Eastler of Farmington for appointment to the Board of Environmental Protection.

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.

**REPORTS OF COMMITTEE  
Divided Reports**

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-394)** on Bill "An Act To Amend the Laws Governing the Deference Afforded to Agency Decisions"

(S.P. 493) (L.D. 1546)

Signed:  
Senator:  
HASTINGS of Oxford

Representatives:  
NASS of Acton  
WATERHOUSE of Bridgton  
BEAULIEU of Auburn  
SARTY of Denmark  
MOULTON of York  
FOSSEL of Alna  
PRIEST of Brunswick

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

Signed:  
Senators:  
DILL of Cumberland  
WOODBURY of Cumberland

Representatives:  
MALONEY of Augusta  
ROCHELO of Biddeford  
MONAGHAN-DERRIG of Cape Elizabeth

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **FAILING OF PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-394)**.

**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 Acton, Representative Nass.

Representative **NASS**: Thank you, Mr. Speaker. This bill seeks to give the courts more authority to scrutinize certain rulings of state agencies. If you're an aggrieved person and go to court to get a declaratory judgment because an agency has refused an application for a permit or lack enforcement of insurance, by failing to adopt a rule, the court determines by standards whether the rule is arbitrary, capricious, abuse of discretion or otherwise not in accordance with law, and gives deference to the agency. This amendment allows the court, the court need not give deference to an agency's interpretation rather than de novo which was stricken out of the bill. Thank you.

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**: 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. 286**

**YEA** - Beaulieu, Beck, Beliveau, Burns DC, Cebra, Chase, Clark T, Cotta, Crafts, Curtis, Cushing, Damon, Davis, Dow, Dunphy, Edgecomb, Espling, Fitts, Fitzpatrick, Fossel, Foster, Gillway, Guerin, Hamper, Harmon, Johnson D, Johnson P, Malaby, Martin, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Newendyke, O'Connor, Plummer, Prescott, Priest, Richardson D, Rioux, Rosen, Sarty, Sirocki, Tilton, Timberlake, Wallace, Waterhouse, Weaver, Webster, Winsor, Wood, Mr. Speaker.

**NAY** - Ayotte, Beaudoin, Beavers, Bennett, Berry, Bickford, Black, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Casavant, Chapman, Chipman, Clark H, Clarke, Cornell du Houx, Cray, Crockett, Dill J, Dion, Driscoll, Duchesne, Eberle, Flood, Fredette, Gifford, Gilbert, Graham, Hanley, Harlow, Harvell, Haskell, Hayes, Hinck, Hogan, Innes Walsh, Kaenrath, Kent, Keschl, Knapp, Knight, Kruger, Kumiega, Lajoie, Libby, Long, Longstaff, Lovejoy, MacDonald, Maker, Maloney, Mazurek, Monaghan-Derrig, Morrison, Nelson, O'Brien, Olsen, Parker, Parry, Peoples, Peterson, Picchiotti, Pilon, Rankin, Richardson W, Rotundo, Russell, Sanborn, Sanderson, Shaw, Stevens, Strang Burgess, Stuckey, Theriault, Treat, Turner, Tuttle, Valentino, Volk, Wagner R, Welsh, Willette M.

**ABSENT** - Celli, Eves, Flemings, Goode, Herbig, Hunt, Luchini, McCabe, Rochelo, Willette A.

Yes, 54; No, 86; Absent, 10; Vacant, 1; Excused, 0.

54 having voted in the affirmative and 86 voted in the negative, 1 vacancy with 10 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**.

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act To Streamline the Process for Minors To Obtain a Work Permit"

(S.P. 668) (L.D. 1890)

Signed:  
Senator:  
JACKSON of Aroostook

Representatives:  
PRESCOTT of Topsham  
DOW of Waldoboro  
DRISCOLL of Westbrook  
GILBERT of Jay  
HERBIG of Belfast  
HUNT of Buxton  
NEWENDYKE of Litchfield  
TUTTLE of Sanford  
WALLACE of Dexter

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-505)** on same Bill.

Signed:  
Senators:  
RECTOR of Knox  
MARTIN of Kennebec

Representative:  
VOLK of Scarborough

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-505)**.

**READ.**

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

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Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-864)** on Bill "An Act To Establish the St. John Valley Regional Planning Commission"

(H.P. 578) (L.D. 771)

Signed:  
Senators:  
RECTOR of Knox  
MARTIN of Kennebec

Representatives:  
PRESCOTT of Topsham  
DRISCOLL of Westbrook  
HERBIG of Belfast  
HUNT of Buxton  
NEWENDYKE of Litchfield  
VOLK of Scarborough  
WALLACE of Dexter

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-865)** on same Bill.

Signed:  
Representatives:  
DOW of Waldoboro  
GILBERT of Jay  
TUTTLE of Sanford

**READ.**

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

The SPEAKER: The Chair recognizes the Representative from Caswell, Representative Ayotte.

Representative **AYOTTE**: Mr. Speaker, Ladies and Gentlemen of the House. As a lot of you know, Aroostook County is the largest county east of the Mississippi. I submitted this bill as a way to help Aroostook County because over the last 30 to 40 years, there has been a loss of population, a tremendous loss of jobs, a loss of business and also a loss in other areas.

In the 1960s, the population of Aroostook County was 103,000. I called this morning to the Economic and Community Development Director in Van Buren and found that the population of Aroostook County right now, 37 years later, is 71,000. Back in the 1960s, the amount of acreage in potatoes in Aroostook County was 155,000 acres. Last summer, the amount of acreage in Aroostook County in potatoes, which was our main crop, was 55,000, a tremendous loss, which means the loss of jobs, a loss of opportunity. It means the loss of our young people moving out of Aroostook County.

I submitted this bill with the purpose in mind to help people with ideas, entrepreneurs, to start up businesses. Why is it needed? It's needed so that they can write business plans, secure finances, find a location for their business, train employees to work in their business and also to find a market for the product. This would facilitate doing this because it would be an entity that would be geared specifically to help the creation of jobs in Aroostook County. I am asking you to help support this because it would put us into a position whereby we could develop businesses along the Saint John Valley and areas remote, areas outside of Caribou, Houlton, Presque Isle. It would help promote, support and encourage the development of jobs in this area which are badly needed.

Ladies and gentlemen, I am asking you to understand that what is good for northern Maine is good for southern Maine. I feel many times when it's moneys for southern Maine, it's referred to as a grant. When it's moneys for northern Maine, it's referred to as your tax dollar. Ladies and gentlemen, we can develop, we can use the money, we can keep our young up there if we have the opportunity for people to have a facility to help them develop startup businesses. I ask for your support on this particular LD. Thank you.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House. If you read the two reports, there isn't that much difference between the two reports. But I am supporting the report that Representative Ayotte is supporting today and I know that that may pose some problems in Aroostook County, but I think this may be the right way to go.

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

Representative **PRESCOTT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The Majority Report is exactly what is needed to achieve what the good Representative from Caswell is trying to achieve. It's a Resolve that directs the Department, DECD, of Economic and Community Development to give northern Maine the direction and assistance that they need to achieve their goals the way the good sponsor had intended, but they can already do this. We don't need legislation to put it in statute which may limit future efforts where they want to make changes. It would make it hard to navigate and change down the road and they would only be able to do this by statute. No other economic development district is set up this way. If we want to force local entities to come together, instead I suggest that we let them form on their own, self select and that way they can achieve the goals that this bill has intended. This is going to give them the support that they need from the department that is the expert in this field and I would hope that you would not want to pass unnecessary legislation. The Resolve, if they can't do this by a Resolve, ladies and gentlemen, it's not going to happen. Thank you.

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

Representative **DOW**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As an outside observer, maybe I'm not an outside observer because my roots are all in Aroostook County, but I consider this support of the minority bill as my option. It is true that Aroostook has lost a great deal of population. When I used to go up in the 1960s and in 1970, the population was 110,000. Now it's down to 70,000. They've lost 10,000 people per decade. I consider this going above and beyond what the Majority Report does and I think the situation warrants it. Along with Representative Martin, I am going to support the Minority Report. Thank you.

Representative AYOTTE of Caswell **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 Sanford, Representative Tuttle.

Representative **TUTTLE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I'm also on the Minority Report and I do come from southern Maine. I think that the bill, as we all know, proposes to establish the Saint John Valley Regional Planning Commission. From the testimony at the hearing, I think that a number of us feel that more attention to effective regional planning and economic development should be given to the Saint John Valley. Aroostook County has been dependent upon other planning commissions and it finds itself in a competition with central Maine, also southern Aroostook County, for projects such as manufacturing, industry and business. Aroostook County has a vast difference in culture, needs and attitudes, and it is important that these differences are addressed for the local planning commission, specific to the particular culture of the area. The planning commission would help businesses start up and get established, helping businesses provide jobs and create a wealth of knowledge for the community to follow through on. In order for the Saint John Valley to have an economically viable future, we must focus on and encourage new and existing businesses and the commission will help make this difference. For that reason, I would ask that you would oppose this motion, support the Minority Report. Either way it does no harm, but I think having an LD, I think, sets the message in a more clearer way, Mr. Speaker. Thank you.

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, too, am going to oppose the pending motion on the floor. I have listened very carefully or tried to listen very carefully to the arguments from both sides. I don't see any reason not to grant this through an LD process. I don't see a lot of difference between what northern Aroostook County is asking for and what has been done in other areas, in my area, in particular, in Washington County. We've suffered some of the same issues as far as diminishing population, lack of opportunity for jobs. If this is going to help northern Maine and it seems that the delegation from northern Maine believes that, and I believe that they have properly vetted this issue, certainly with their communities, I'm in support of it. I don't see this as a north/south issue. I see this as an issue that will help benefit the State of Maine. I would urge you to reject the motion on the floor and support the Minority Report. Thank you, ladies and gentlemen.

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 have a very high degree of respect for the committee process and a high degree of respect for the chairwoman of this committee and her motion. However, I will tell you that I was born in Aroostook County, raised in Danforth, a little town just across, but we traveled throughout the county playing basketball games, doing shopping and whatnot. I will simply tell you that my family, which was my mother and father and five brothers, all left Aroostook County. We left because there were no jobs. If there is anything that we can try to do to support people in Aroostook County, I will be in support of that. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Madawaska, Representative Theriault.

Representative **THERIAULT**: Thank you, Mr. Speaker. Being from Aroostook County, being from the Saint John Valley, having lived there all my life, there is a need for assistance. We do have a commission that is lower down in Aroostook County, but as it is today, all the different reasons that have been given here, I totally support the Minority Report. Thank you.

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

Representative **PRESCOTT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want all the facts to be out there before you cast your vote today, and I want to make sure that people know that this process was in place in northern Maine previously and it lasted for only two or four years, because they asked to have it repealed because it was too hard to navigate and change. So we're making a change specifically for one area of the state that can already be achieved without legislation. I want to repeat that. We can already do this. We already have all the tools in our tool belt to be able to accomplish this, it's being done throughout the state, and I think we're getting into an area of local politics and regional politics where we don't need to be. Thank you for considering this before you cast your vote.

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. 287

YEA - Beliveau, Chase, Clarke, Cotta, Curtis, Cushing, Damon, Driscoll, Dunphy, Eberle, Espling, Fitts, Flood, Gillway, Guerin, Hamper, Hunt, Keschl, Knapp, Knight, Libby, Malaby, McClellan, McKane, Morissette, Newendyke, O'Connor, Olsen, Parry, Picchiotti, Plummer, Prescott, Richardson D, Richardson W, Sanborn, Sanderson, Sarty, Strang Burgess, Tilton, Volk, Wagner R, Wallace, Waterhouse, Welsh, Winsor, Mr. Speaker.

NAY - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Bennett, Berry, Bickford, Black, Blodgett, Boland, Bolduc, Briggs, Bryant, Burns DC, Cain, Carey, Casavant, Cebra, Chapman, Chipman, Clark H, Clark T, Cornell du Houx, Crafts, Cray, Crockett, Davis, Dill J, Dion, Dow, Duchesne, Edgcomb, Fitzpatrick, Fossel, Foster, Fredette, Gifford, Gilbert, Graham, Hanley, Harlow, Harmon, Harvell, Haskell, Hayes, Hinck, Hogan, Innes Walsh, Johnson D, Johnson P, Kaenrath, Kent, Kruger, Kumiega, Lajoie, Long, Longstaff, Lovejoy, MacDonald, Maker, Maloney, Martin, Mazurek, McFadden, Monaghan-Derrig, Morrison, Moulton, Nass, Nelson, O'Brien, Parker, Peoples, Peterson, Pilon, Priest, Rankin, Rioux, Rosen, Rotundo, Russell, Shaw, Sirocki, Stevens, Stuckey, Theriault, Timberlake, Treat, Turner, Tuttle, Valentino, Weaver, Webster, Willette M, Wood.

ABSENT - Celli, Eves, Flemings, Goode, Herbig, Luchini, McCabe, Rochelo, Willette A.

Yes, 46; No, 95; Absent, 9; Vacant, 1; Excused, 0.

46 having voted in the affirmative and 95 voted in the negative, 1 vacancy with 9 being absent, and accordingly the Majority **Ought to Pass as Amended Report** was **NOT ACCEPTED**.

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

The Bill was **READ ONCE**. Committee Amendment "B" (H-865) 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 "B" (H-865)** and sent for concurrence.

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass pursuant to Public Law 2009, chapter 467, section 16** on Bill "An Act To Revise the Target Prices for the Dairy Stabilization Program" (EMERGENCY)

(H.P. 1409) (L.D. 1905)

Signed:

Senators:

SHERMAN of Aroostook  
THIBODEAU of Waldo

Representatives:

EDGECOMB of Caribou  
BLACK of Wilton  
CRAY of Palmyra  
DILL of Old Town  
FOSTER of Augusta  
GIFFORD of Lincoln  
TIMBERLAKE of Turner

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-866)** pursuant to **Public Law 2009, chapter 467, section 16** on same Bill.

Signed:

Senator:

SCHNEIDER of Penobscot

Representatives:

McCABE of Skowhegan  
O'BRIEN of Lincolnville

**READ.**

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

### CONSENT CALENDAR

#### First Day

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

(S.P. 428) (L.D. 1383) Bill "An Act To Improve the Process by Which Logging Contractors Hire Legal Foreign Workers" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-509)**

(S.P. 649) (L.D. 1864) Bill "An Act To Improve Efficiency Maine Trust Programs To Reduce Heating Costs and Provide Energy Efficient Heating Options for Maine's Consumers" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-508)**

(S.P. 657) (L.D. 1880) Bill "An Act To Enhance Opportunities for the Sale of Lottery Tickets" (EMERGENCY) Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-507)**

(H.P. 1117) (L.D. 1514) Bill "An Act To Amend the Sex Offender Registration Laws" Committee on **CRIMINAL JUSTICE**

**AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-873)**

(H.P. 1309) (L.D. 1784) Bill "An Act To Implement Recommendations To Reform Telecommunications Regulation" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-869)**

(H.P. 1363) (L.D. 1842) Bill "An Act To Amend the Charter of the Bingham Water District" (EMERGENCY) Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-879)**

(H.P. 1374) (L.D. 1856) Bill "An Act To Implement Certain Recommendations of the Criminal Law Advisory Commission" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-872)**

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

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

### ENACTORS

#### Emergency Measure

An Act To Support Members of the Law Enforcement Community Who Have Suffered a Catastrophic Illness

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

(C. "A" H-858)

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

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

### Acts

An Act To Remove the \$100 Reporting Fee for Fertilizer and Agricultural Liming Materials Sold

(H.P. 1211) (L.D. 1602)

(C. "A" H-854)

An Act To Fund the Computer Crimes Unit and Combat Human Sex Trafficking

(S.P. 591) (L.D. 1731)

(C. "A" S-502)

An Act To Amend Statutory Post-conviction Review

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

(C. "A" H-857)

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

### Resolves

Resolve, Creating an Honorable Service Plaque To Honor Maine Veterans

(H.P. 1385) (L.D. 1871)

(C. "A" H-853)

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



An Act To Allow Abatement of Property Taxes Due to Hardship

(H.P. 1389) (L.D. 1878)  
(C. "A" H-855)

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 **PASSAGE TO BE ENACTED**.

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

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

**ROLL CALL NO. 288**

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Beliveau, Bennett, Berry, Bickford, Black, Blodgett, Boland, Bolduc, Briggs, Bryant, Burns DC, Cain, Carey, Casavant, Cebra, Chapman, Chipman, Clark H, Clark T, Clarke, Cornell du Houx, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dill J, Dion, Dow, Driscoll, Duchesne, Dunphy, Eberle, Edgecomb, Espling, Fitts, Fitzpatrick, Flood, Fossel, Foster, Fredette, Gifford, Gilbert, Graham, Guerin, Hamper, Hanley, Harlow, Harmon, Harvell, Haskell, Hinck, Hogan, Hunt, Innes Walsh, Johnson D, Kaenrath, Kent, Keschl, Knapp, Knight, Kruger, Kumiega, Lajoie, Libby, Long, Longstaff, Lovejoy, MacDonald, Maker, Malaby, Maloney, Martin, Mazurek, McClellan, McFadden, McKane, Monaghan-Derrig, Morissette, Morrison, Moulton, Nass, Nelson, Newendyke, O'Brien, O'Connor, Olsen, Parker, Parry, Peoples, Peterson, Picchiotti, Pilon, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Rioux, Rosen, Rotundo, Russell, Sanborn, Sanderson, Sarty, Shaw, Sirocki, Stevens, Strang Burgess, Stuckey, Theriault, Tilton, Timberlake, Treat, Turner, Tuttle, Valentino, Volk, Wagner R, Wallace, Weaver, Webster, Welsh, Willette M, Winsor, Wood, Mr. Speaker.

NAY - Chase, Gillway, Johnson P, Waterhouse.

ABSENT - Celli, Eves, Flemings, Goode, Hayes, Herbig, Luchini, McCabe, Rochelo, Willette A.

Yes, 136; No, 4; Absent, 10; Vacant, 1; Excused, 0.

136 having voted in the affirmative and 4 voted in the negative, 1 vacancy with 10 being absent, 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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The following items were taken up out of order by unanimous consent:

**UNFINISHED BUSINESS**

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

HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-836)** - Minority (6) **Ought to Pass as Amended by Committee Amendment "B" (H-837)** - Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Encourage Enrollment in High School Electrical Education Programs"

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

TABLED - March 28, 2012 (Till Later Today) by Representative PRESCOTT of Topsham.

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

The **SPEAKER**: The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I would hope that you would oppose the pending motion so we might Accept the Majority Report. The bill amends the electrician licensing law by changing the number of helper electricians that may work with a supervised, by a journeyman electrician from 1 to 2. The bill also requires that the director of the Office of Professional and Occupational Regulation within the Department of Professional and Finance to amend its rules to exempt high school students from paying the fee for the license which is in both reports.

Those who testified in favor of the bill were James Cote of the ABC Contractors, Michael Bennett of the Cianbro Corporation and Mark Powers who was, I believe, Mid-Maine Technical Center. Those opposing the bill were Don Berry of the AFL-CIO, Peter Wilson, a master electrician from the Westbrook Vocational Center, Scott Cuddy from Hermon and Allan Shepard from Bath Iron Works. In my opinion, if we pass the present motion, this bill puts professional electricians out of business. A helper license does not require any education or enrollment in the educational program, and by increasing helpers, it would threaten safety of the public and property. I know that we need to encourage youth to enter the electrical industry by using the apprenticeship program which has been established for many years. This will flood the market with low-wage workers and will lower the wages for skilled workers who have worked their whole lives in providing safety for the people of Maine. Increasing the ratio will not only allow for insignificant supervision or guidance from the licensed electricians who are trying to do their job, to see a job that's done well. The construction trade has been hit, as many of us know, with the downturn in the economy and the number of electricians is sufficient to meet the demand. This will put licensed journeymen who have worked hard, as I mentioned before, to learn this skill out of work. Maine has many career helpers that do not have to study any electrical code changes and increasing the ratio, we burden those who supervise the learners of the craft. Increasing the ratio will increase safety risks.

I know that Representative Hunt has passed out an amendment from the Electrical Contractors Association and I think particularly in the second paragraph, it says LD 1835 sacrifices the livelihood of 3,400 licensed electricians; I think the second paragraph or the one or the third. As many of us know, electricity poses a great danger to humans, animals and property, especially when handled by unqualified individuals. Forty-seven percent of the work-related illness and injury reports involved employees with less than two years of experience, according to the Maine Department of Labor, from April 2009. Licensed electrical professionals have completed thousands of hours of classroom and on-the-job training that teaches them how to finish a project safely, officially and in compliance with electrical code. Unlicensed helpers, however, often lack the adequate training and supervision which would certainly place everyone at the job site at risk, and it is for that reason that I'd ask that you would oppose the pending motion. Have we requested a roll call, Mr. Speaker?

The **SPEAKER**: Not yet.

Representative **TUTTLE**: I request a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **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 Topsham, Representative Prescott.

Representative **PRESCOTT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'll try to simplify this. We have a lot of states throughout the nation that don't even have any requirements. We have some that have a 5 to 1 ratio, we have some with a 4 to 1 ratio and we have some with a 3 to 1. Those with a 1 to 1 ratio are in a very small category. All we're asking for is for this bill to permit a master electrician, a limited electrician or a journeyman electrician to supervise 2 helpers. Now these aren't just people off the street, "Come on in and help me with my wires." These are people that have to be enrolled in an approved program that will allow them greater opportunity to gain the practical experience that they need. Employment of electricians is expected to increase by 12 percent between 2008 and 2018 and there is an aging electrical workforce. We had Associated Builders and Contractors, Cianbro, and Mid-Maine Technical Center for three examples of people that were absolutely in support of this bill, and I will just stop it at that. I think that it's a work-friendly bill. It's going to help the trades which we tremendously need the help for and I hope that you will support the Minority Ought to Pass as Amended. Thank you.

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

Representative **HARVELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In my real job I work at Verso Paper Company and in 2007, in the groundwood mill, we put in an automated wood loading system. The system that had been there previously was put in in 1965 and the biggest thing that amazed me when we did this was the miles of cable that were required, and they are required because the modern workforce, right, when you press a button in industry to tell a motor to start, it is required that an electrician take a certain amount of cords out there. If you have a valve that needs to be opened, a pressure gauge that needs to be read, any of this stuff, it requires electricians. We have an aging workforce in this state and while currently the supply/demand ratio is not there, we know that the IT sector in this country is going to be making up 9 percent, of which we are only educating 2 percent. This is what it looks like out there now. We have an aging force. They need apprenticeship programs to bring these people in because of what's happening in the workplace. So I urge you to support the Minority Report.

The **SPEAKER**: The Chair recognizes the Representative from Scarborough, Representative Volk.

Representative **VOLK**: Thank you, Mr. Speaker. The day after with the work session on this bill I happened to have come home and have an electrician working in my home. I thought, perfect opportunity to ask him what his opinion was. Without hesitating, he said, "Absolutely that's not a problem" and one of the things that he emphasized is that electrical work involves, a lot of times, a lot of grunt work. There are sometimes ditches to dig. There are things that need to be handed to the electrician. This is somebody who is going to be working under complete supervision and probably not even really doing a whole lot of actual electrical wiring themselves. They are going to be a helper to a master electrician who is perfectly capable of overseeing two people at one time.

I also want to emphasize that on this bill we had a lot of educators come in. We had educators from vocational schools, we had educators from high schools, we had educators from community college that either contacted us or came in person to

testify and all of them were in support of this bill. They were very, very favorable. They were very excited about the opportunity. These were kids who sometimes need a reason to go to school and if we can get them hooked on becoming electricians when they're in high school and maybe they don't enjoy math and maybe they don't enjoy science and maybe they don't English, but they start attending their vocational program and they get excited about becoming an electrician. That's something that will give them real skills to move on with and make an excellent, excellent living some day. So I ask you to fully support this bill.

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

Representative **McKANE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I wish I'd known about this bill a little sooner because I would have tried to amend it to four helpers, at least, per journeyman. Twenty-nine states have no limit and the reason is you don't need fully licensed electricians digging ditches. If you have a quarter mile trench, you don't need two licensed electricians gluing the conduit together. It's just, you know, not all of the work is technical in the electrical trade. This restriction is an unnecessary expense. It keeps building in Maine high. It keeps the cost of housing high. We're only asking for two here. We could certainly go to four, but obviously that's not the bill. It helps. This is going to get more young people out on the job, learn the trade. I think it's a great bill. Thank you.

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

Representative **DRISCOLL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think back on the committee discussion on this bill. I actually had an instructor from the Westbrook Regional Vocational Center, he testified at this hearing. His name was Peter Wilson. He's a master electrician. He's an electrical instructor in the electrical trades program at the vocational school there. He had actually been a student there 30 years previously, so it was interesting to hear his sentiment around what this bill would actually do. He actually served on the Electricians Examining Board as well at the state level for 16 years and he was chair of that board for seven years. He actually supported waiving the licensing fee for students, which I think most people do, but he didn't support changing the ratio from two helpers to one licensed electrician.

The Department of Professional and Financial Regulation, they provided a memorandum around this bill and the memorandum actually gave us some statistical data with respect to other states that provide language that supports a 1 to 1 ratio here in New England. Obviously, Maine currently has that in place. Massachusetts has a 1 to 1 ratio, New Hampshire has a 1 to 1 ratio, Rhode Island has a 1 to 1 ratio, and Vermont has a 1 to 1 ratio.

My good colleague, Representative Harvell, mentioned that we need apprenticeship programs in the state. This bill doesn't speak specifically to apprenticeship programs, I don't believe. I agree with him that we do need more students in apprenticeship programs in the state to further bolster down the road, not necessarily right now, the need for licensed electricians in the field.

One piece of disturbing testimony that was given to me and the committee, the Vice President of Health, Safety, Environmental and Human Resources for Cianbro, I'd just like to quote what he had to say. He said, "The issue with safety is a management or supervisory issue, not a legislative one." Now I wholeheartedly agree with that statement and I think maybe this gentleman has too many titles to come out with a statement like that. I think safety is a collaborative process between the

company that you work for and the employee. Safety is no good, whatsoever, if the employees don't buy into what the company is trying to achieve. So it's definitely a collaborative process. It's not a one-sided process. It's not a management process. It's not a supervisory process. It's everybody buying into the system that's in place. Not only that, but to say that it's not a legislative one, well, I mean what do we do in this body? What does Congress do in its body? The Occupational Safety and Health Act was enacted in 1970. I would dare say that hundreds of thousands of lives have been saved over the years since 1970 because of the implementation of that Act. That's a minimum standard. That's a baseline for everybody to be able to look at and utilize for the safety of their employees as well as themselves.

From my perspective, I feel that this legislation would actually undermine not only the employment of many licensed electricians in the state at this time when we're trying to, it seems, come out of the great downturn in the economy that we've had. I'm sure there are still many licensed electricians out there looking for meaningful work and my feeling is this would undermine their ability to obtain employment in their fields and profession and maybe more importantly is that, you know, electricity kills. I don't care, you know, if you're a journeyman or a master electrician or a helper or, as Representative Volk from Scarborough had mentioned, a grunt. Grunts around electricity can be killed in an instant. That's where I come from. Safety is first for me. I think this bill undermines safety considerations for the people that it pretends to help. Thank you very much, Mr. Speaker.

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

Representative **HUNT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. My concern is safety. Electricity is inherently dangerous, both to people and to property. It's hard enough having an electrician watching and supervising a project with one helper electrician, let alone two. There is twice the opportunity for mistakes and errors which could have huge ramifications. In addition, the Minority Report would allow helper electricians to be supervised by limited electricians, not just journeymen or master electricians. It would be entirely possible that a helper electrician supervised by the limited electrician would have more training than the limited electrician. The Department of Labor reports that 46.7 percent of injuries on the job involve employees with less than two years of experience. These are the people we're concerned about.

The premise of this bill is to encourage people to enter the electrical trades, which is admirable. However, we need to be sure there are jobs available. The Maine Department of Labor Center for Workforce Research and Information reports that, in 2008, there were 3,489 electrician jobs available. The projection for 2018 is 3,316, a loss of 173 positions. I would argue that it's the free market that will dictate how many electricians we need. If we push to encourage a larger number of people to become electricians, the only thing we'll end up with is unemployed electricians. As it stands high schools, community colleges and training programs are pushing out over 200 electricians a year. Let's not compromise safety based on a premise that is admirable and commendable but not necessary. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Gilbert.

Representative **GILBERT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want to make something clear, that this bill doesn't affect the electrical programs in secondary and postsecondary schools. This bill would change the ratio on the electrical jobs in commercial,

industrial and residential work. It would change it from 1 to 1, as is in most of the states in the Northeast including Maine. It would change it from 1 to 2. Electricity is a dangerous job and these people need to be well supervised as they acquire their skills. Let me remind you that when Cianbro testified before our committee, I asked what that company does in other states because we all know Cianbro is a major force in this country and this state and on the East Coast. They work all the way down into the Carolinas, probably even further now, I'm not sure, and they go with a 1 to 1 ratio. That was the answer that was given to me in committee.

Also, the Boston Chapter of the National Electrical Contractors Association does not support this bill. They want it to stay at 1 to 1 and these electrical contractors work throughout New England. Thank you.

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

Representative **PRESCOTT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We are soon going to see a shortage of qualified electricians throughout Maine and the rest of the country and our feeder programs, as currently structured, will be insufficient to keep pace with the demand. All this does is puts a ratio of 2 to 1 with a professional. These are people that aren't going to be doing what the master electrician does. They're helpers. They're going to help them. They're going to be on the job as you would be as an intern. They're not, as I said before, they're not just green electricians off the street. These are apprentices or helpers that are currently enrolled or have completed a program of study comprising of 576 hours of education as approved by an electricians examining board or from an accredited institution. I say we are doing the right thing. I don't have any problem with safety and with the people that came to testify in support of this bill, we have not seen from the states that have the higher ratios, have not seen any problems happening there. I urge you to support the Minority Ought to Pass for economic development and for the electrician's field. Thank you.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Shaw.

Representative **SHAW**: Thank you very much, Mr. Speaker. I do apologize. My voice is off a little bit today, so I will make this very brief. I did get a letter from the National Electrical Contractors Association regarding this legislation. They represent over 100 electrical contractors in the state. These are the business owners and the job creators. They're right that they are in strong opposition to LD 1833. They talked about the Department of Labor saying that employment opportunities for electricians are projected to decrease by 2018. Flooding the industry with unlicensed helpers, as this legislation seeks to do by loosening existing ratios, would only exacerbate existing licensees. Thank you, Mr. Speaker.

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

#### ROLL CALL NO. 289

YEA - Ayotte, Beaulieu, Bennett, Black, Burns DC, Cebra, Chase, Clark T, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dow, Dunphy, Edgecomb, Espling, Fitts, Fitzpatrick, Flood, Fossil, Foster, Fredette, Gifford, Gillway, Hamper, Hanley, Harmon, Harvell, Johnson D, Johnson P, Kent, Keschl, Knapp, Kruger, Libby, Long, Maker, Malaby, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Newendyke, O'Connor, Olsen, Parker, Parry, Picchiotti, Plummer, Prescott, Richardson D, Richardson W, Rioux, Rosen, Sanderson, Sarty,

Sirocki, Strang Burgess, Tilton, Timberlake, Turner, Volk, Wallace, Waterhouse, Weaver, Willette M, Winsor, Wood, Mr. Speaker.

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

**ABSENT** - Bickford, Blodgett, Celli, Goode, Herbig, Rochelo, Willette A.

Yes, 75; No, 68; Absent, 7; Vacant, 1; Excused, 0.

75 having voted in the affirmative and 68 voted in the negative, 1 vacancy with 7 being absent, and accordingly the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "B" (H-837)** was **READ** by the Clerk.

Representative **DAVIS** of Sangerville **PRESENTED House Amendment "A" (H-871) to Committee Amendment "B" (H-837)**, which was **READ** by the Clerk.

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

Representative **DAVIS**: Thank you very much, Mr. Speaker. Included in the amendment that we just voted on is a waiver for high school students for an electrician's helper's fee. It is \$96 a student. There was a conference up to the Eastern Maine Technical Community College about this bill and after the conference, one the instructors came to my home and asked me why this couldn't be extended to the students at the community colleges as well. I've done a little research. There is 195 first and second year students in the electrical program at our community colleges. That's as of last fall. Currently, in the electrician's examining fund, there is \$729,000. There is ample money for this. This would cost less than \$20,000. It will be a good thing. The instructor told me that if we pass this, the students would be clicking their heels together all the way to the bank. Thank you very much.

The **SPEAKER**: The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I'm reluctant to oppose this amendment from my good friend from Sangerville, but I do. I talked to a number of electricians in my area about this. They tried to explain to me there is a difference from high school students in the vocational aspect of it and they feel that, at a time when the construction industry is struggling in the worst recession in recent memory, this will only make things worse. Therefore, I move the Indefinite Postponement of this amendment.

The same Representative moved that **House Amendment "A" (H-871) to Committee Amendment "B" (H-837)** be **INDEFINITELY POSTPONED**.

Representative **CURTIS** of Madison **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-871) to Committee Amendment "B" (H-837)**.

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 Buxton, Representative Hunt.

Representative **HUNT**: Thank you, Mr. Speaker, and I apologize for my delay. Ladies and Gentlemen of the House, I agree that the amendment is admirable, but it's one of those things where these students who are educated in college are adults. High school students are technically minors and as adults, adults have to pay fees just like any other adults who wish to enter the profession and therefore it should be an even playing field for both community college students and those just entering the trade initially. You don't have to go through a program to become a helper electrician. It helps if you do, but if you choose to go through a program at a community college, you should have to pay the same licensing fee as anybody else who wishes to be licensed. Thank you, Mr. Speaker.

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

Representative **DAVIS**: Thank you very much, Mr. Speaker. I must say I'm quite surprised at the opposition to this amendment. Many of these students are adults, have families. They are having a tough time trying to get second careers. They are trying to make their way in life. I think we should support my amendment and vote against this motion. Thank you very much.

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

Representative **HUNT**: Thank you, Mr. Speaker. I am a teacher...

The **SPEAKER**: The Chair recognizes the Representative from Hampden, Representative Cushing.

Representative **CUSHING**: I'd like a ruling as to whether the gentleman from Buxton has spoken three times to this issue.

On **POINT OF ORDER**, Representative **CUSHING** of Hampden asked the Chair if Representative **HUNT** of Buxton had already spoken twice on the pending motion.

The **SPEAKER**: This is the Representative from Buxton's second time to the floor on this item, on this motion before us. The Representative may continue.

The Chair advised Representative **HUNT** of Buxton that he may proceed.

Representative **HUNT**: Thank you, Mr. Speaker. I am a teacher, I have a family, I am trying to make a living and I pay my fee for my licensing for being a teacher. Thank you.

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

Representative **PRESCOTT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will be voting against the Indefinite Postponement. I believe we're trying to attract young kids and kids out of high school and into the college area, into the fields such as electricians, and we need to do everything we can to give them these opportunities and I believe that the good Representative from Sangerville is on the right track. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-871) to Committee Amendment "B" (H-837). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 290**

**YEA** - Beaudoin, Beavers, Beck, Beliveau, Berry, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Casavant, Chapman, Chipman, Clark H, Clarke, Cornell du Houx, Dill J, Dion, Driscoll, Duchesne, Eberle, Eves, Flemings, Gilbert, Graham, Harlow, Haskell, Hayes, Hinck, Hogan, Hunt, Kaenrath, Kruger, Kumiega, Longstaff, Lovejoy, Luchini, MacDonald, Maloney, Martin, Mazurek, McCabe, Monaghan-Derrig, Morrison, Nelson, O'Brien, Peoples, Pilon, Priest, Rankin, Rotundo, Russell, Sanborn, Stevens, Stuckey, Theriault, Treat, Tuttle, Valentino, Wagner R, Webster, Welsh.

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

ABSENT - Bickford, Blodgett, Celli, Goode, Guerin, Herbig, Rochelo, Willette A.

Yes, 63; No, 79; Absent, 8; Vacant, 1; Excused, 0.

63 having voted in the affirmative and 79 voted in the negative, 1 vacancy with 8 being absent, and accordingly the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-871) to Committee Amendment "B" (H-837) FAILED.**

Subsequently, **House Amendment "A" (H-871) to Committee Amendment "B" (H-837) was ADOPTED.**

Subsequently, **Committee Amendment "B" (H-837) as Amended by House Amendment "A" (H-871) thereto was ADOPTED.**

Representative TUTTLE of Sanford **OBJECTED** to suspending the rules in order to give the Bill its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading.**

Subsequently, the Bill was assigned for **SECOND READING** Wednesday, April 4, 2012.

#### PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government, Highway Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2012 and June 30, 2013" (EMERGENCY)

(H.P. 1412) (L.D. 1907)

Sponsored by Representative CEBRA of Naples. (GOVERNOR'S BILL)

Cosponsored by Senator COLLINS of York and Representative: MAZUREK of Rockland, Senator: DIAMOND of Cumberland.

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

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

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. 653) (L.D. 1869) Bill "An Act To Establish the Dairy Improvement Fund" (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-512)**

(S.P. 655) (L.D. 1874) Bill "An Act To Rename the Maine Jobs Council as the State Workforce Investment Board and Make Changes to Its Structure" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting

#### Ought to Pass as Amended by Committee Amendment "A" (S-511)

(H.P. 1403) (L.D. 1901) Bill "An Act To Amend the Charter of the Lewiston-Auburn Water Pollution Control Authority" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass**

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

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

#### ENACTORS

##### Emergency Measure

An Act To Create the Maine Board of Tax Appeals

(H.P. 1291) (L.D. 1750)

(C. "A" H-860)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 126 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

#### Mandate

An Act To Amend the Maine Tree Growth Tax Law and the Open Space Tax Law

(H.P. 844) (L.D. 1138)

(C. "A" H-859)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of the same and 12 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

#### REPORTS OF COMMITTEE

##### Divided Reports

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-874)** on Bill "An Act To Privatize the Inspection of Amusement Rides in Maine"

(H.P. 1287) (L.D. 1745)

Signed:

Senators:

MASON of Androscoggin  
GERZOFKY of Cumberland  
WHITTEMORE of Somerset

Representatives:

PLUMMER of Windham  
BLODGETT of Augusta  
BURNS of Whiting  
CLARKE of Bath  
HANLEY of Gardiner  
HASKELL of Portland  
LAJOIE of Lewiston  
MORISSETTE of Winslow  
SANDERSON of Chelsea

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-875)** on same Bill.

Signed:  
Representative:  
LONG of Sherman

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On motion of Representative AYOTTE of Caswell, the House adjourned at 5:09 p.m., until 10:00 a.m., Wednesday, April 4, 2012.

**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-874)** 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-874)** and sent for concurrence.

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Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-868)** on Bill "An Act To Facilitate Rapid Response by Out-of-state Businesses to State Disasters" (EMERGENCY)

(H.P. 1357) (L.D. 1836)

Signed:  
Senators:  
RECTOR of Knox  
MARTIN of Kennebec

Representatives:  
PRESCOTT of Topsham  
DOW of Waldoboro  
DRISCOLL of Westbrook  
GILBERT of Jay  
HERBIG of Belfast  
HUNT of Buxton  
NEWENDYKE of Litchfield  
TUTTLE of Sanford  
VOLK of Scarborough  
WALLACE of Dexter

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

Signed:  
Senator:  
JACKSON of Aroostook

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-868)** 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-868)** and sent for concurrence.

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