

MAINE STATE LEGISLATURE

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State of Maine

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ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
SECOND REGULAR SESSION
44th Legislative Day
Friday, April 6, 2012

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

Prayer by the Honorable Ricky D. Long, Sherman.
National Anthem by David Delano, Gorham.
Pledge of Allegiance.
The Journal of yesterday was read and approved.

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Allow the Town of Fort Kent To Create a Downtown Tax Increment Financing District Using the Current Assessed Value of the Downtown" (EMERGENCY)

(H.P. 1414) (L.D. 1910)

Sponsored by Representative MARTIN of Eagle Lake.

Cosponsored by Senator JACKSON of Aroostook.

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

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

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

Sent for concurrence.

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

ORDERS

On motion of Representative FOSSEL of Alna, the following Joint Resolution: (H.P. 1413) (Cosponsored by Senator KATZ of Kennebec and Representatives: AYOTTE of Caswell, BEAUDOIN of Biddeford, BEAULIEU of Auburn, BEAVERS of South Berwick, BECK of Waterville, BELIVEAU of Kittery, BENNETT of Kennebunk, BERRY of Bowdoinham, BICKFORD of Auburn, BLACK of Wilton, BLODGETT of Augusta, BOLAND of Sanford, BOLDUC of Auburn, BRIGGS of Mexico, BRYANT of Windham, BURNS of Whiting, CAIN of Orono, CAREY of Lewiston, CASAVANT of Biddeford, CEBRA of Naples, CELLI of Brewer, CHAPMAN of Brooksville, CHASE of Wells, CHIPMAN of Portland, CLARK of Millinocket, CLARK of Easton, CLARKE of Bath, CORNELL du HOUX of Brunswick, COTTA of China, CRAFTS of Lisbon, CRAY of Palmyra, CROCKETT of Bethel, CURTIS of Madison, CUSHING of Hampden, DAMON of Bangor, DAVIS of Sangerville, DILL of Old Town, DION of Portland, DOW of Waldoboro, DRISCOLL of Westbrook, DUCHESNE of Hudson, DUNPHY of Embden, EBERLE of South Portland, EDGECOMB of Caribou, ESPLING of New Gloucester, EVES of North Berwick, FITTS of Pittsfield, FITZPATRICK of Houlton, FLEMINGS of Bar Harbor, FLOOD of Winthrop, FOSTER of Augusta, FREDETTE of Newport, GIFFORD of Lincoln, GILBERT of Jay, GILLWAY of Searsport, GOODE of Bangor, GRAHAM of North Yarmouth, GUERIN of Glenburn, HAMPER of Oxford, HANLEY of Gardiner, HARLOW of Portland, HARMON of Palermo, HARVELL of Farmington, HASKELL of Portland, HAYES of Buckfield, HERBIG of Belfast, HINCK of Portland, HOGAN of Old Orchard Beach, HUNT of Buxton, INNES of Yarmouth, JOHNSON of Eddington, JOHNSON of Greenville,

KAENRATH of South Portland, KENT of Woolwich, KESCHL of Belgrade, KNAPP of Gorham, KNIGHT of Livermore Falls, KRUGER of Thomaston, KUMIEGA of Deer Isle, LAJOIE of Lewiston, LIBBY of Waterboro, LONG of Sherman, LONGSTAFF of Waterville, LOVEJOY of Portland, LUCHINI of Ellsworth, MacDONALD of Boothbay, MAKER of Calais, MALABY of Hancock, MALONEY of Augusta, MARTIN of Eagle Lake, MAZUREK of Rockland, McCABE of Skowhegan, McCLELLAN of Raymond, McFADDEN of Dennysville, McKANE of Newcastle, MITCHELL of the Penobscot Nation, MONAGHAN-DERRIG of Cape Elizabeth, MORISSETTE of Winslow, MORRISON of South Portland, MOULTON of York, NASS of Acton, NELSON of Falmouth, NEWENDYKE of Litchfield, Speaker NUTTING of Oakland, O'BRIEN of Lincolnville, O'CONNOR of Berwick, OLSEN of Phippsburg, PARKER of Veazie, PARRY of Arundel, PEOPLES of Westbrook, PETERSON of Rumford, PICCHIOTTI of Fairfield, PILON of Saco, PLUMMER of Windham, PRESCOTT of Topsham, PRIEST of Brunswick, RANKIN of Hiram, RICHARDSON of Carmel, RICHARDSON of Warren, RIOUX of Winterport, ROCHELO of Biddeford, ROSEN of Bucksport, ROTUNDO of Lewiston, RUSSELL of Portland, SANBORN of Gorham, SANDERSON of Chelsea, SARTY of Denmark, SHAW of Standish, SIROCKI of Scarborough, SLAGGER of the Houlton Band of Maliseet Indians, SOCTOMAH of the Passamaquoddy Tribe, STEVENS of Bangor, STRANG BURGESS of Cumberland, STUCKEY of Portland, THERIAULT of Madawaska, TILTON of Harrington, TIMBERLAKE of Turner, TREAT of Hallowell, TURNER of Burlington, TUTTLE of Sanford, VALENTINO of Saco, VOLK of Scarborough, WAGNER of Lewiston, WALLACE of Dexter, WATERHOUSE of Bridgton, WEAVER of York, WEBSTER of Freeport, WELSH of Rockport, WILLETTE of Mapleton, WILLETTE of Presque Isle, WINSOR of Norway, WOOD of Sabattus, Senators: ALFOND of Cumberland, BARTLETT of Cumberland, BRANNIGAN of Cumberland, COLLINS of York, COURTNEY of York, CRAVEN of Androscoggin, DIAMOND of Cumberland, DILL of Cumberland, FARNHAM of Penobscot, GERZOFISKY of Cumberland, GOODALL of Sagadahoc, HASTINGS of Oxford, HILL of York, HOBBS of York, JACKSON of Aroostook, JOHNSON of Lincoln, LANGLEY of Hancock, MARTIN of Kennebec, MASON of Androscoggin, McCORMICK of Kennebec, PATRICK of Oxford, PLOWMAN of Penobscot, President RAYE of Washington, RECTOR of Knox, ROSEN of Hancock, SAVIELLO of Franklin, SCHNEIDER of Penobscot, SHERMAN of Aroostook, SNOWE-MELLO of Androscoggin, SULLIVAN of York, THIBODEAU of Waldo, THOMAS of Somerset, WHITTEMORE of Somerset, WOODBURY of Cumberland)

JOINT RESOLUTION COMMEMORATING THE HOLOCAUST AND YOM HASHOAH, THE DAY OF REMEMBRANCE

WHEREAS, from 1933 to 1945, 6,000,000 Jews were murdered in the Holocaust as part of a state-sponsored, systematic persecution and annihilation program of genocide, and millions of other people suffered as victims of Nazism, such as the handicapped, political dissidents and many others for racial, ethnic or national reasons; and

WHEREAS, the people of the State of Maine should always remember the atrocities committed by the Nazis so that such horrors are never repeated and the history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies and governments; and

WHEREAS, the people of the State of Maine should always remember those who liberated the Nazi concentration camps, some of whom lost their lives and others of whom have experienced lifelong emotional suffering, as holding an honored place in our history; and

WHEREAS, the people of the State of Maine should continually rededicate themselves to the principle of equal justice for all people, remain eternally vigilant against all tyranny and recognize that bigotry provides a breeding ground for tyranny to flourish; and

WHEREAS, the national community, pursuant to an Act of Congress, will be joining other nations in commemorating the week of April 15th through April 22nd as the Days of Remembrance of the Victims of the Holocaust, including the Day of Remembrance, known as Yom HaShoah, April 19, 2012; and

WHEREAS, it is appropriate for the people of the State of Maine to join in this international commemoration; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fifth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, pause in solemn memory of the victims of the Holocaust, and in honor of the survivors, as well as the rescuers and liberators, urge one and all to recommit themselves to the lessons of the Holocaust through the international week of commemoration and express our common desire to continually strive to overcome prejudice and inhumanity through education, vigilance and resistance; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Holocaust and Human Rights Center of Maine and the United States Holocaust Memorial Council in Washington, D.C. on behalf of the people of the State of Maine.

READ.

The SPEAKER: The Chair recognizes the Representative from Alna, Representative Fossel.

Representative **FOSSSEL:** Thank you, Mr. Speaker. You may wonder why I am presenting this Joint Resolution. I am not Jewish, but I learned what you do to any one of us you do to us all. So this is not a remembrance but a warning. Learn from my parents by their deeds, not words. An example for those who cannot speak, who left no offspring, left no memories and left us with a better world by their sacrifices. Fossel is Norwegian; my mother was a Van Brunt. They were from Elliott, Illinois; Horicon, Wisconsin; Sioux Falls, South Dakota. But in the Depression my mother got lucky. She won a contest and went to Paris and worked for Vogue, and she smuggled the first photos of concentration camps out of Germany and she said "There was no danger there." My father joined the OSS, the old-time CIA, before the war, three months before to be in place before December 7th and he fought behind enemy lines. Never said. You will have some stuff on your desks by email that shows you some of these. He came out of the war with a steel plate in his head and a steel bone in his arms, one hundred percent disability. He turned it down. He said, "My brain wasn't injured." It was.

But by 1951, by the Army-McCarthy hearings, we again forgot and we had to fight that war again. In case you don't know the story, Army-McCarthy was all about going after spies under your bed or Reds under your bed, all of whom incidentally, or most of whom, were Jewish and that was no accident. So my father was there with Ray Baldwin, the Senator from Connecticut, and Margaret Chase Smith, and just as Joe McCarthy went after Margaret Chase Smith, he went after Ray Baldwin and my father. Three years later, my father was dead and my mother raised us all by herself, and some of you in the chamber actually were probably her students. If anyone went to New England College, she taught there for 20 years and was a great teacher twice, and she always said that she was eventually going to get over the hump, never quite did. What I learned from that is when there's

trouble, when there's something to be afraid of, we cannot hide, we cannot escape and we must not forget. Thank you very much, Mr. Speaker.

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

Representative **CAIN:** Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. It is my privilege to stand and speak briefly in honor of Yom Hashoah, the Day of Remembrance for the Holocaust. I've spoken on this before and in the past I've tried to share bits and pieces of a trip that I took to Israel which involved spending eight days in Israel and several days in Jerusalem visiting Yad Vashem, which is the really epicenter of research of the compilation of stories and really a museum that is really a living museum that helps us all remember and document the many things that happened, the many terrible things that happened in our global history related to the Holocaust, and today I'll just share one piece because there are so many stories to tell just from visiting Yad Vashem.

One of the most moving pieces, it's all moving, one of the most moving aspects is something called the Avenue of the Righteous and the Avenue of the Righteous is a path with beautiful trees that have been planted that grow to commemorate and remember and to honor the many, many, many hundreds and thousands of people around the world who said no to what was going on, who stood up and said "This is not okay. This persecution is not okay. These killings are not okay," and they are the ones who, in many cases, risked their own safety, security and the security of their families to try to help, to help save those who were destined for concentration camps, save those who were being persecuted against, and we remember them and thank them. In many ways, I think the fact that we take a few minutes every year to remember what happened, to remember those who were the victims and remember those who tried to help says something about us, and then in many ways, we attempt to perpetuate and grow the Avenue of the Righteous every year in remembrance of Yom Hashoah. Thank you, Mr. Speaker.

Subsequently, the Joint Resolution was **ADOPTED.**
Sent for concurrence.

On motion of Representative HAMPER of Oxford, the following House Order: (H.O. 47)

ORDERED, that Representative Mark N. Dion of Portland be excused March 20 and 23 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Erin D. Herbig of Belfast be excused April 2, 3 and 4 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Walter A. Kumiega III of Deer Isle be excused March 29 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Michel A. Lajoie of Lewiston be excused March 30 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Megan M. Rochelo of Biddeford be excused April 2, 3 and 4 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Sharon Anglin Treat of Hallowell be excused March 29 for health reasons.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Cody St. Germain, of Dixfield, a senior at Dirigo High School and forward for the Dirigo High School Boys Basketball Team, who is the winner for the second straight year of the C. Harry Edwards Award as the most valuable player and sportsman of the Western Class C Tournament. Cody was also named the Mountain Valley Conference Player of the Year by the Mountain Valley Conference coaches. We extend our congratulations to Cody on his achievements;

(HLS 1144)

Presented by Representative BRIGGS of Mexico.

Cosponsored by Senator PATRICK of Oxford, Senator SAVIELLO of Franklin.

On **OBJECTION** of Representative BRIGGS of Mexico, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Briggs.

Representative **BRIGGS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today to recognize Cody St. Germain, a senior at Dirigo High School in Dixfield, and forward for the Dirigo Boys Class C State Championship Basketball Team. The team beat Lee Academy 74 to 67.

Because of Cody's accomplishments, he has achieved many accolades. As previously mentioned, this is Cody's second straight year of winning the C. Harry Edwards Award as the most valuable player and sportsman of the Western Class C Tournament. Cody was also named the Mountain Valley Conference Player of the Year by the Mountain Valley Conference coaches.

Cody had one of his finest games in the state championship game. He finished out the game with 12 rebounds, 2 assists, and 26 points. Cody was quoted as saying after the game "I'll admit I was feeling it tonight. I felt like I couldn't miss in the second half. It's the best feeling I've ever had in my life. I've been saying all year we're the best team in the state, and I feel like we proved it."

I would like to again congratulate Cody on his personal accomplishments as well as winning the Class C State Championship Basketball Game. Congratulations. Job well done. Thank you, Mr. Speaker.

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

Recognizing:

Raymond Broomhall, of Mexico, on the occasion of his retirement after 50 years with the Mexico Fire Department. Mr. Broomhall started with the department as a firefighter on February 11, 1962 and retired as deputy chief on February 11, 2012. He is a member of the Western Maine Firefighters' Association and the Maine State Federation of Firefighters. During his tenure with the Mexico Fire Department Mr. Broomhall received several honors and awards. In 1978 he received special recognition from the Town of Mexico for bravery in preventing the loss of life at a fire. In 2001 he was named Part-time/Reserve Employee of the Year and received the George Downs Firefighter of the Year Award. In 2002 he was named Citizen of the Year by the Town of Mexico and in 2006 was inducted into the Maine Ski Hall of Fame. Mr. Broomhall also coached for several sports in the Mexico schools and Mountain Valley schools. We extend our appreciation to Mr. Broomhall for

his dedicated service to the citizens of Maine and wish him well in his future endeavors;

(HLS 1145)

Presented by Representative BRIGGS of Mexico.

Cosponsored by Senator PATRICK of Oxford.

On **OBJECTION** of Representative BRIGGS of Mexico, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Briggs.

Representative **BRIGGS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today to recognize a very special firefighter from my home town of Mexico. As we've just heard, Raymond Broomhall has worked exactly 50 active years with the Mexico Fire Department. He started on February 11, 1962, with Hose Company #2. Through the years, he continued to receive promotions. Ray retired as Deputy Chief on February 11, 2012. Along with Ray's other accolades, in 2006 Ray also received the Maine Firefighter of the Year Award.

Ray-Ray, as I call him, was a very dedicated firefighter. He was always very active in Fire Prevention Programs, along with many other departmental functions. The younger firefighters in the department always looked up to Ray as a father figure, but most of all, as their mentor. Ray has a heart of gold. He continues to always be there whenever he sees the need or is asked by others to help. He's always got the job done. Ray's energy, stamina and commitment continues to amaze everyone today.

Ray grew up as one of 15 siblings. He grew up in the Mexico/Rumford area and has lived and worked there all his life. His soon-to-be father-in-law was the Fire Chief of Mexico. He married the love of his life, Judy, who is present here with us today; along with their two children, two grandchildren, and extended family, firefighters, and friends. Please note that Ray's granddaughter is here today. She serves in the U.S. Air Force and she was able to get a 24-hour leave to be present today to be here with her grandfather.

Mr. Speaker, I would like to personally congratulate Ray Broomhall on his numerous accomplishments and to personally thank him for his 50 years of service to the Mexico Fire Department. Thank you, Mr. Speaker.

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

Recognizing:

Caleb Hall, of Dixfield, a senior at Dirigo High School, who is the 2012 Class C State Wrestling Champion in the 132-pound weight division. Caleb is a 2-time state champion wrestler and a 3-time regional champion wrestler. We extend our congratulations and best wishes to Caleb on his achievements;

(HLS 1146)

Presented by Representative BRIGGS of Mexico.

Cosponsored by Senator PATRICK of Oxford, Senator SAVIELLO of Franklin.

On **OBJECTION** of Representative BRIGGS of Mexico, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Briggs.

Representative **BRIGGS**: Thank you, Mr. Speaker. Just to let everybody know, I have four Sentiments that I'm presenting today. It was kind of ironic how it all happened. Both Ray Broomhall's family and the Dixfield Basketball Team, I had asked

them when it worked for them to come to the State House for me to recognize them and they both emailed me back almost simultaneously, April 6th works, both, best for them. I'm like, okay, we can make this happen, and I really think it's a great day. The fire department gets to see the basketball team be recognized and vice versa, so it's a great day. Thank you for your understanding.

Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today to recognize Caleb Hall, a senior at Dirigo High School in Dixfield. Caleb has won his second state wrestling title in his weight division of 132. He won his final match, an 11-6 decision against his opponent from Foxcroft.

This championship is something that Caleb has wanted to accomplish for a long time and the Dirigo wrestler certainly proved how important drive and dedication is in achieving his goal to win the Class C State Championship.

Caleb compiled a 45 and 3 record this past season which was one win away from tying the school record for wins. This was also Caleb's second state crown. He had won the Class C State Championship as a freshman at 103 as well. His coach was quoted as saying "Caleb is the most valuable wrestler I have ever coached."

I would like to again congratulate Caleb Hall on his accomplishment of winning the 2012 Class C State Wrestling Title and wish him well on his future endeavors. Congratulations, Caleb. Job well done. Thank you.

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

Recognizing:

the members of the Dirigo High School Boys Basketball Team, of Dixfield, who have won the 2012 Class C State Championship: Caleb Turner, Josh Turbide, Cody St. Germain, Ben Holmes, Mitch Stanley, Jake Dowland, T. J. Frost, Hunter Ross, Nick Blodgett, Robbie Babb, Chad Snowman, Dylan Kidder Kaine Hutchins, Brian Wolkernick, Joey Hebert, Issah Brown and Tyler Frost and head coach Travis Magnusson, assistant coaches Gary Holman, Marty Magnusson and Bill White, managers Jenn Smith and Tameka Cheadle and athletic trainer Aaron Perrault. We send our congratulations and best wishes to the members of the team on their achievement;

(HLS 1147)

Presented by Representative BRIGGS of Mexico. Cosponsored by Senator PATRICK of Oxford, Senator SAVIELLO of Franklin.

On **OBJECTION** of Representative BRIGGS of Mexico, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Briggs.

Representative **BRIGGS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today to recognize the Dixfield Dirigo Boys Varsity Class C State Championship Basketball Team. They beat Lee Academy 74 to 67. This team is a very special and talented team of players and coaches. I've got to tell you, this was the most exciting and intense game I've ever seen in my life. The score was tied after every quarter until the fourth and final quarter was over. The score was 19 points even at the end of the first quarter, then 39 points at the half, and 53 points even at the end of the third quarter. Then Dirigo pulled away and turned it up a notch or two with their suffocating defense in the fourth quarter to pull off this much deserved win. The Cougars pulled away with a 10-2 run in

the final 3 minutes and 40 seconds of the game. The team was lead by head coach Travis Magnusson, who led the Cougars to the Gold Ball in his first year at the helm. This was Dirigo's first Class C state title in 29 years playing at the Augusta Civic Center. Dirigo's win breaks a string of three straight championship game losses, including last year's defeat to Lee.

Mr. Speaker, I would like to personally congratulate the Dirigo Boys Varsity Class C State Championship team, Coach Magnusson and his assistant coaches and trainer, on their most amazing accomplishment. Congratulations to the team. Job well done.

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

In Memory of:

Gordon Emerson, of Blue Hill, longtime member of the Board of Selectmen and prominent member of the community. Mr. Emerson served in the United States Army from 1944 to 1946, during World War II, in the Philippines and Korea. He served on the Town of Blue Hill Board of Selectmen for 40 years, retiring in 2002. He will be greatly missed and long remembered by his neighbors and friends;

(HLS 1149)

Presented by Representative CHAPMAN of Brooksville. Cosponsored by Senator LANGLEY of Hancock.

On **OBJECTION** of Representative CHAPMAN Brooksville, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Brooksville, Representative Chapman.

Representative **CHAPMAN**: Thank you, Mr. Speaker. Mr. Speaker, Friends and Colleagues in the House. It is my honor to recognize the life and service of Gordon Emerson. It was his nature to be very modest and humble, and he would not appreciate my detailing his accomplishments in such a public forum as this. He was a pillar of the community and I take this opportunity to reflect upon the vanishing breed of which he was a member. We all know that the rural character of our great state is slowly changing, and admittedly, some for the better.

But the essence of Maine is its people and their character. One of the features of an era that is fading too fast is the leader who follows many generations in his home town, grows through the local schools, serves his country, returns to engage in multifaceted business endeavors, and serves his town for many decades as Selectman.

There was a time when this story was more common. I suspect that it is becoming quite rare now. It is fitting to note that in his final years, Gordon Emerson's focus was on articulating this very change in the rural character of Maine.

Please join me in honoring his life by reflecting on how we might continue to be mindful of all of those who have gone before us and have showed us by their dedication to public service how we may also seek to serve others through our various walks in life. Let us strive to keep alive that part, at least, of what the rural Maine character has to offer. Thank you, Mr. Speaker, and I note that his son Brad Emerson is in the gallery. Thank you.

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-523)** on Bill "An Act To Promote Transparency in Government"

(S.P. 624) (L.D. 1806)

Signed:

Senators:

FARNHAM of Penobscot
PATRICK of Oxford
PLOWMAN of Penobscot

Representatives:

BEAULIEU of Auburn
CAREY of Lewiston
CHIPMAN of Portland
DAMON of Bangor
JOHNSON of Eddington
LONGSTAFF of Waterville
RUSSELL of Portland
VALENTINO of Saco
WILLETTE of Presque Isle

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-524)** on same Bill.

Signed:

Representative:

CROCKETT of Bethel

Representative MITCHELL of the Penobscot Nation - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (S-523)** 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-523)**.

READ.

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

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

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-517)** on Bill "An Act To Establish a Presidential Primary in the State"

(S.P. 659) (L.D. 1882)

Signed:

Senators:

FARNHAM of Penobscot
PLOWMAN of Penobscot

Representatives:

BEAULIEU of Auburn
CAREY of Lewiston
CROCKETT of Bethel
DAMON of Bangor
JOHNSON of Eddington
LONGSTAFF of Waterville
RUSSELL of Portland

VALENTINO of Saco

WILLETTE of Presque Isle

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

Signed:

Senator:

PATRICK of Oxford

Representative:

CHIPMAN of Portland

Representative MITCHELL of the Penobscot Nation - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (S-517)** 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-517)**.

READ.

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

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

Representative **CHIPMAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. LD 1882 is a response to a problem. The problem is that some of the caucuses held earlier this year didn't go so well and some votes were not counted, and a ruckus that came as a result. But regardless of what happened earlier this year, the fact is in 2000, 2004, 2008, the caucus system worked just fine and continued to work fine in the future. Furthermore, Ladies and Gentlemen of the House, there is no emergency here because the next Presidential caucus is four years away. There is plenty of time to introduce a bill in the next session to establish a primary election.

The bottom line, Mr. Speaker, is that, as amended, LD 1882 simply calls for a study and doesn't actually do anything. The bill calls for a study group to meet this summer. Up until 2000, we had Presidential primary elections here in Maine. We know how to do it, we know how it works and we know what it costs, so why would we need to do a study to find out what we already know? We don't need to do a pointless study now. It makes no sense to pass a bill just for the sake of passing a bill, so I urge you to join me in opposing the pending motion, and Mr. Speaker, when the vote is taken, I request a division. Thank you.

The same Representative **REQUESTED** a division on the motion to **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 rise in opposition to this pending motion. As stated, this is not a vote on whether you want to have a primary caucus. This is to have a study this summer with taxpayers' money to study a primary caucus. Everyone here in this body knows what a primary caucus is. We just had them recently. This wasn't decades or hundreds of years ago. There is no reason to study this. There is no reason to spend more taxpayers' money on this. If you want to put the bill in, put the bill in next year. Do not have another study. We have enough studies. Thank you.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. While there are kinks to work out with whether or not we move forward with this position, I do think that this bill provides us an opportunity to look at how we run our primaries in this state. I think it's an opportunity to expand access for people to vote for the highest office in the nation, while truly strengthening the integrity of our elections. I think it's unfortunate that we would not take the opportunity to study the implications of changes to elections. I think this is actually a step in the right direction, when we've made many in the past that have not been. So I actually ask folks to support the pending motion, support the work of the committee and allow the opportunity for us to look at what the most effective means is to make sure that people have access to the ballot and access to actually participate in the biggest election in the country, an election that a lot of people are currently left out of. Thank you, Mr. Speaker.

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 Portland, Representative Harlow.

Representative **HARLOW**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Actually, could I pose a question through the Chair to anyone who might answer?

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

Representative **HARLOW**: Thank you. I was just wondering what the fiscal note is on this bill.

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

Representative **BEAULIEU**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I appreciate the comments made by everyone on the floor today. The fiscal note, I have it here. I will read it. The projected expenses for one interim meeting of the Joint Standing Committee on Veterans and Legal Affairs are projected to be \$2,000 in fiscal year 2012-13. That's what they're calling for, one meeting, not two, not three, and this may very well be, as Representative Russell suggested, a nice opportunity to investigate, to examine, and maybe to look back upon some of the things we have done to see whether or not they're worth bringing up an additional time. I appreciate your time. 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. 301

YEA - Beaudoin, Beaulieu, Beavers, Beliveau, Bickford, Boland, Bolduc, Briggs, Burns DC, Cain, Carey, Casavant, Cebra, Chapman, Chase, Clark T, Clarke, Cotta, Cray, Curtis, Cushing, Damon, Dill J, Dow, Duchesne, Eberle, Edgecomb, Espling, Eves, Fitts, Flemings, Flood, Fossel, Graham, Hanley, Haskell, Hayes, Herbig, Hinck, Hogan, Kaenrath, Keschl, Knapp, Knight, Kumiega, Longstaff, Luchini, MacDonald, Maker, Malaby, Maloney, Martin, McKane, Monaghan-Derrig, Moulton, Nass, Nelson, Newendyke, O'Brien, Parker, Parry, Picchiotti, Pilon, Plummer, Priest, Rankin, Richardson D, Richardson W, Rioux, Rochelo, Rosen, Rotundo, Russell, Sarty, Shaw, Strang Burgess, Theriault, Treat, Valentino, Volk, Wagner R, Webster, Willette A, Willette M, Mr. Speaker.

NAY - Ayotte, Bennett, Berry, Black, Blodgett, Bryant, Chipman, Clark H, Crafts, Davis, Driscoll, Dunphy, Fitzpatrick, Foster, Fredette, Gifford, Gilbert, Gillway, Goode, Guerin, Hamper, Harlow, Harvell, Hunt, Innes Walsh, Johnson D, Johnson P, Kent, Kruger, Lajoie, Libby, Long, Mazurek, McCabe, McClellan, McFadden, Morissette, Morrison, O'Connor, Olsen, Peoples, Peterson, Prescott, Sanborn, Sanderson, Sirocki, Stevens, Stuckey, Timberlake, Turner, Tuttle, Wallace, Waterhouse, Weaver, Welsh, Winsor, Wood.

ABSENT - Beck, Celli, Cornell du Houx, Crockett, Dion, Harmon, Lovejoy, Tilton.

Yes, 85; No, 57; Absent, 8; Vacant, 1; Excused, 0.

85 having voted in the affirmative and 57 voted in the negative, 1 vacancy with 8 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-517)** 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-517)** in concurrence.

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.

Bill "An Act To Standardize the Definition of 'Independent Contractor'"

(H.P. 960) (L.D. 1314)

TABLED - March 27, 2012 (Till Later Today) by Representative **CURTIS** of Madison.

PENDING - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-832)**.

Representative **MARTIN** of Eagle Lake **PRESENTED House Amendment "C" (H-916)** to **Committee Amendment "A" (H-832)**, which was **READ** by the Clerk.

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

Representative **MARTIN**: I want to thank the committee for the work that they've done on putting this bill before us on independent contractors. When I was reading it, I discovered what I thought was a problem and we had an amendment that you probably saw earlier that thought to solve the problem. It did not and that's why it's been Tabled ever since. This amendment does do what we need to do and that is when you have an independent person come in and that person has been the contractor, that's not an issue. But if someone were to come in with that independent contractor and had no coverage, that the way it was drafted, the homeowner in fact could have, having the deep pockets, could have been stuck with the bill. And so what this amendment does, it solves that problem and this was worked out with the Executive Director of the Workers' Comp Commission to make sure that the independent contractor doesn't cause a homeowner to have a liability that he or she would wish that they would not have.

Subsequently, **House Amendment "C" (H-916)** to **Committee Amendment "A" (H-832)** was **ADOPTED**.

Representative **PRESCOTT** of Topsham **PRESENTED House Amendment "B" (H-897)** to **Committee Amendment "A" (H-832)**, which was **READ** by the Clerk.

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

Representative **PRESCOTT**: Thank you, Mr. Speaker. This amendment, it's just a language change on the definition of "construction subcontractor," meaning an independent contractor if the construction subcontractor meets the definition of independent contractor. This was just something that was caught after the bill was passed. I would just like to say that I want to thank my whole committee and anyone who is supporting this bill. This is one of the best pieces of legislation to come out of the LCRED Committee and I am very anxious to see its passage. Thank you.

Subsequently, **House Amendment "B" (H-897)** to **Committee Amendment "A" (H-832)** was **ADOPTED**.

Committee Amendment "A" (H-832) as Amended by **House Amendments "B" (H-897)** and **"C" (H-916)** thereto was **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-832) as Amended by House Amendments "B" (H-897) and "C" (H-916)** thereto and sent for concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 664) (L.D. 905) Bill "An Act To Improve Maine's Liquor Distribution System" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-915)**

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

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

ENACTORS

Emergency Measure

An Act To Provide Reimbursement for MaineCare Services Provided by Qualified, Unlicensed Professionals Who Are Supervised by Licensed Health Professionals

(H.P. 1244) (L.D. 1692)
(C. "A" H-782)

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.

Acts

An Act Relating to Rating on the Basis of Group Size in the Small Group Health Insurance Market

(S.P. 569) (L.D. 1670)
(C. "A" S-522)

An Act To Correct Inconsistencies and Ambiguities in the Maine Guaranteed Access Reinsurance Association Act

(H.P. 1254) (L.D. 1702)
(C. "A" H-847)

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.

An Act Relating to Navigators under Health Benefit Exchanges

(H.P. 1098) (L.D. 1497)
(C. "A" H-840)

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

On motion of Representative RICHARDSON of Warren, was **SET ASIDE**.

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

UNFINISHED BUSINESS

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

Expression of Legislative Sentiment Recognizing Rhonda Bianco, of Presque Isle

(HLS 1102)

TABLED - March 30, 2012 (Till Later Today) by Representative HASKELL of Portland.

PENDING - PASSAGE.

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

Expression of Legislative Sentiment Recognizing Dr. Hector Tarraza, of Portland

(HLS 1103)

TABLED - March 30, 2012 (Till Later Today) by Representative HASKELL of Portland.

PENDING - PASSAGE.

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

Reference was made to Bill "An Act To Establish the St. John Valley Regional Planning Commission"

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

In reference to the action of the House on April 5, 2012 whereby it Insisted and Asked for a Committee of Conference, the Chair appointed the following members on the part of the House as Conferees:

Representative DOW of Waldoboro
Representative AYOTTE of Caswell
Representative TUTTLE of Sanford

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Prohibit Organized Retail Theft"

(H.P. 478) (L.D. 648)

Signed:

Senators:

MASON of Androscoggin
GERZOFKY of Cumberland
WHITTEMORE of Somerset

Representatives:

BLODGETT of Augusta
BURNS of Whiting
CLARKE of Bath
HANLEY of Gardiner
HASKELL of Portland
LAJOIE of Lewiston
LONG of Sherman
SANDERSON of Chelsea

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:

Representatives:

PLUMMER of Windham
MORISSETTE of Winslow

READ.

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

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-912)** on Bill "An Act To Limit MaineCare Reimbursement for Methadone Treatment" (H.P. 1361) (L.D. 1840)

Signed:

Senators:

McCORMICK of Kennebec
CRAVEN of Androscoggin
FARNHAM of Penobscot

Representatives:

STRANG BURGESS of Cumberland
EVES of North Berwick
FOSSEL of Alna
MALABY of Hancock
O'CONNOR of Berwick
PETERSON of Rumford
SANBORN of Gorham
SANDERSON of Chelsea
SIROCKI of Scarborough

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-913)** on same Bill.

Signed:

Representative:

STUCKEY of Portland

READ.

On motion of Representative STRANG BURGESS of Cumberland, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-912)** 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-912)** and sent for concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-914)** on 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)

Signed:

Senator:

CRAVEN of Androscoggin

Representatives:

STRANG BURGESS of Cumberland
EVES of North Berwick
FOSSEL of Alna
MALABY of Hancock
PETERSON of Rumford
SANBORN of Gorham
SANDERSON of Chelsea
SIROCKI of Scarborough
STUCKEY of Portland

Minority Report of the same Committee reporting **Ought to Pass** on same Resolve.

Signed:

Senators:

McCORMICK of Kennebec
FARNHAM of Penobscot

Representative:

O'CONNOR of Berwick

READ.

On motion of Representative STRANG BURGESS of Cumberland, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-914)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-914)** and sent for concurrence.

Ought to Pass Pursuant to Public Law

Report of the **Joint Standing Committee on Health and Human Services** on Bill "An Act To Simplify the Certificate of Need Process and Lessen the Regulatory Burden on Providers" (S.P. 681) (L.D. 1909)

Reporting **Ought to Pass** pursuant to Public Law 2011, chapter 424.

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

Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** in concurrence.

UNFINISHED BUSINESS

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

An Act To Amend the Law Regarding the Sale of Wood Pellets and Wood (EMERGENCY)

(H.P. 1219) (L.D. 1610)
(CC. "A" S-510)

TABLED - April 5, 2012 (Till Later Today) by Representative KNIGHT of Livermore Falls.

PENDING - **PASSAGE TO BE ENACTED.**

On motion of Representative WEAVER of York, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED as Amended by Committee of Conference Amendment "A" (S-510).**

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee of Conference Amendment "A" (S-510)** was **ADOPTED.**

On further motion of the same Representative, **Committee of Conference Amendment "A" (S-510)** was **INDEFINITELY POSTPONED.**

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the **Committee of Conference Report** was **ACCEPTED.**

On further motion of the same Representative, the **Committee of Conference Report** was **REJECTED** and the House **ASKED** for a Second **COMMITTEE OF CONFERENCE** in **NON-CONCURRENCE** and sent for concurrence.

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

On motion of Representative FOSSEL of Alna, the House adjourned at 12:05 p.m., until 10:00 a.m., Monday, April 9, 2012.