

MAINE STATE LEGISLATURE

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State of Maine

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ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
SECOND REGULAR SESSION
45th Legislative Day
Monday, April 9, 2012

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

Prayer by the Honorable James M. Hamper, Oxford.

National Anthem by Nezinscot Valley Junior Voices, Hartford-Summer Elementary School.

Pledge of Allegiance.

The Journal of Friday, April 6, 2012 was read and approved.

Representative CAIN of Orono assumed the Chair.

The House was called to order by the Speaker Pro Tem.

CONSENT CALENDAR
First Day

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

(H.P. 702) (L.D. 958) Resolve, To Direct the Department of Education To Review the Essential Programs and Services Model Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-920)**

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.

(H.P. 1400) (L.D. 1897) Bill "An Act To Establish a Competitive Bid Process for Future Casinos and Slot Machine Facilities" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-919)**

On motion of Representative BEAULIEU of Auburn, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ**.

On further motion of the same Representative, the Bill and all accompanying papers were **COMMITTED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and sent for concurrence.

(H.P. 1325) (L.D. 1798) Bill "An Act To Reform Land Use Planning in the Unorganized Territory" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-918)**

On motion of Representative CURTIS of Madison, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ**.

On further motion of the same Representative, **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned.

ENACTORS
Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions, a Major Substantive Rule of the Commission on Governmental Ethics and Election Practices

(H.P. 1410) (L.D. 1906)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 122 voted in favor of the same and 1 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

Acts

An Act To Protect Victims of Domestic Violence

(H.P. 1381) (L.D. 1867)
(C. "A" H-907)

An Act To Simplify the Certificate of Need Process and Lessen the Regulatory Burden on Providers

(S.P. 681) (L.D. 1909)

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

Resolves

Resolve, Directing Review of Strategies To Improve Communication between Patients and Physicians

(H.P. 1394) (L.D. 1886)
(C. "A" H-905)

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

An Act To Provide Tax Relief for Maine's Citizens by Reducing Income Taxes

(S.P. 252) (L.D. 849)
(S. "C" S-443 and S. "E" S-506 to C. "C" S-427)

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

On motion of Representative CURTIS of Madison, was **SET ASIDE**.

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

Resolve, Directing the Committee on Veterans and Legal Affairs To Develop Legislation Establishing a Presidential Primary

(S.P. 659) (L.D. 1882)
(C. "A" S-517)

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

On motion of Representative CURTIS of Madison, was **SET ASIDE**.

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

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Friday, April 6, 2012, 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 Dan Shaw and Jon Shaw, of Gorham

(HLS 1133)

TABLED - April 4, 2012 (Till Later Today) by Representative KNAPP of Gorham.

PENDING - **PASSAGE**.

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

Expression of Legislative Sentiment Recognizing Fire Chief Fred LaMontagne, of Gorham

(HLS 1134)

TABLED - April 4, 2012 (Till Later Today) by Representative KNAPP of Gorham.

PENDING - **PASSAGE**.

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

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

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

The Speaker resumed the Chair.
The House was called to order by the Speaker.

An Act To Prepare Maine People for the Future Economy (MANDATE)

(S.P. 439) (L.D. 1422)

(C. "A" S-477)

- In House, **FAILED OF PASSAGE TO BE ENACTED** on April 4, 2012.

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-477) AS AMENDED BY SENATE AMENDMENT "C" (S-529)** thereto in **NON-CONCURRENCE**.

PENDING - **FURTHER CONSIDERATION**.

On motion of Representative BELIVEAU of Kittery, the House voted to **RECEDE**.

The same Representative **PRESENTED House Amendment "E" (H-904) to Committee Amendment "A" (S-477)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Kittery, Representative Beliveau.

Representative **BELIVEAU**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'm offering this amendment to make sure that this new statewide approach to education actually works. This amendment provides each school district to receive one additional day of professional development training so that the school district is actually prepared to implement proficiency-based standards successfully. Do you not ask a police department to implement a new approach to law enforcement without first training the officers? Do you not send a National Guard unit on a new kind of mission without first training the troops? We should not tell a school district to revamp their educational standards without first training the army of teachers of who will actually do the work.

This amendment would be funded by the existing targeted fund to implement a standards-based system and could not come from your districts existing GPA. Ask your school board if this amendment will help them implement this bill. Ask your principal

if he or she couldn't use just a little support in making sure this ambitious proposal can be realistically implemented. The bill itself says, in section 7, it recognizes that training will be needed for this program to live up to its full potential. This amendment simply ensures that our school districts actually get the training that they need. Please support your home school district by supporting this amendment. Thank you, Mr. Speaker.

Representative CURTIS of Madison moved that **House Amendment "E" (H-904) to Committee Amendment "A" (S-477) be INDEFINITELY POSTPONED**.

Representative TREAT of Hallowell **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "E" (H-904) to Committee Amendment "A" (S-477)**.

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

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

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise just briefly in opposition to the pending motion. Staff development, the research is very consistent, shows that staff development is one of the very best ways that we can improve education, better even than reducing class size. There is very modest funding now in this bill to remove the mandate only and the additional staff development would help to ensure successful implementation. I believe most of us have seen now the figures on the cost for just two years of initial implementation from six districts in Maine that did pioneer standards-based education. It was significantly more than what is budgeted for in the amended version of this bill that is before us, so the professional development is critical. I would urge the body to vote against the pending motion. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "E" (H-904) to Committee Amendment "A" (S-477). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 302

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

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

ABSENT - Beck, Bickford, Celli, Crockett, Dion, Driscoll, Kaenrath, Kent, Pilon, Tuttle.

Yes, 75; No, 65; Absent, 10; Vacant, 1; Excused, 0.

75 having voted in the affirmative and 65 voted in the negative, 1 vacancy with 10 being absent, and accordingly

House Amendment "E" (H-904) to Committee Amendment "A" (S-477) was INDEFINITELY POSTPONED.

Representative TREAT of Hallowell **PRESENTED House Amendment "A" (H-862) to Committee Amendment "A" (S-477)**, which was **READ** by the Clerk.

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

Representative **TREAT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. This amendment does three simple things which are based on the experience implementing a similar standards-based system in RSU 2, which I represent. It seems that if the state is to mandate this big change statewide, learning from past experience should be lesson number one. It may be that some of what is in this amendment, what this amendment does in terms of retaining a measure of local control, is already intended by the Committee Amendment, so I have been told by some members of the committee. But if that is the case, it is not explicit and no harm should ensue from making this intent clear.

Here is all that this amendment does: First, it requires the transition plans each school district are already required to develop to include a detailed plan for teacher training in the new system, including training for teaching in multi-age classrooms. Second, it requires these same plans to include extensive outreach to parents and students in developing and implementing this new system, a system that is very different and unfamiliar to many of those parents, students and indeed teachers. Third and finally, it makes clear that each school administrative body retains local control over grading systems and whether to advance students from one grade to another. This is the piece that I am told the Committee Amendment already does, but it doesn't clearly say so to my eye. That's it. I hope you will vote yes on the pending motion and support this amendment. Thank you.

Representative CURTIS of Madison moved that **House Amendment "A" (H-862) to Committee Amendment "A" (S-477) be INDEFINITELY POSTPONED.**

Representative CAIN of Orono **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-862) to Committee Amendment "A" (S-477).**

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-862) to Committee Amendment "A" (S-477). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 303

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

NAY - Beaudoin, Beavers, Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Chapman, Chipman, Clark H, Clarke, Cornell du Houx, Dill J, Duchesne, Eberle, Eves, Flemings, Gilbert, Goode, Graham, Hanley, Harlow, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Kruger, Kumiega, Lajoie, Longstaff, Lovejoy, Luchini, MacDonald, Maloney, Martin, Mazurek, McCabe, Monaghan-Derrig, Morrison,

O'Brien, Peoples, Peterson, Priest, Rochelo, Rotundo, Russell, Sanborn, Shaw, Stevens, Stuckey, Theriault, Treat, Valentino, Wagner R, Webster, Welsh.

ABSENT - Beck, Bickford, Celli, Crockett, Dion, Driscoll, Kaenrath, Kent, Pilon, Tuttle.

Yes, 77; No, 63; Absent, 10; Vacant, 1; Excused, 0.

77 having voted in the affirmative and 63 voted in the negative, 1 vacancy with 10 being absent, and accordingly **House Amendment "A" (H-862) to Committee Amendment "A" (S-477) was INDEFINITELY POSTPONED.**

Representative CURTIS of Madison moved that the House **CONCUR.**

The same Representative **REQUESTED** a roll call on the motion to **CONCUR.**

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 to Concur. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 304

YEA - Beaudoin, Beaulieu, Beavers, Beliveau, Bennett, Berry, Black, Boland, Briggs, Cain, Carey, Casavant, Cebra, Chapman, Chase, Clark H, Clark T, Cotta, Crafts, Cray, Curtis, Cushing, Damon, Davis, Duchesne, Dunphy, Eberle, Edgcomb, Eves, Fitts, Fitzpatrick, Flemings, Gillway, Graham, Hamper, Harmon, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Johnson P, Keschl, Knapp, Kruger, Kumiega, Lajoie, Longstaff, Lovejoy, Luchini, Maker, Malaby, McCabe, McClellan, McFadden, Monaghan-Derrig, Morissette, Morrison, Moulton, Nass, Nelson, Newendyke, Parry, Peoples, Picchiotti, Rankin, Richardson D, Rioux, Rochelo, Rosen, Rotundo, Russell, Sanborn, Sarty, Shaw, Strang Burgess, Stuckey, Tilton, Timberlake, Turner, Volk, Wagner R, Weaver, Webster, Welsh, Winsor, Wood, Mr. Speaker.

NAY - Ayotte, Blodgett, Bolduc, Bryant, Burns DC, Chipman, Clarke, Cornell du Houx, Dill J, Dow, Espling, Flood, Fossel, Foster, Fredette, Gifford, Gilbert, Goode, Guerin, Hanley, Harlow, Harvell, Johnson D, Kaenrath, Knight, Libby, Long, MacDonald, Maloney, Martin, Mazurek, McKane, O'Brien, O'Connor, Olsen, Parker, Peterson, Plummer, Prescott, Priest, Richardson W, Sanderson, Sirocki, Stevens, Theriault, Treat, Valentino, Wallace, Waterhouse, Willette A, Willette M.

ABSENT - Beck, Bickford, Celli, Crockett, Dion, Driscoll, Kent, Pilon, Tuttle.

Yes, 90; No, 51; Absent, 9; Vacant, 1; Excused, 0.

90 having voted in the affirmative and 51 voted in the negative, 1 vacancy with 9 being absent, and accordingly the House voted to **CONCUR.**

The following item was 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 Friday, April 6, 2012, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

SENATE DIVIDED REPORT - Majority (7) Ought to Pass as Amended by Committee Amendment "A" (S-515) - Minority (6) Ought Not to Pass - Committee on LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT on Bill "An Act To Restore Departmental Management over Costs of State-paid Child Care"

(S.P. 671) (L.D. 1894)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-515)**.

PENDING - ACCEPTANCE OF EITHER REPORT.

The Report was **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 Topsham, Representative Prescott.

Representative **PRESCOTT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill, LD 1894, is "An Act To Restore Departmental Management over Costs of State-paid Child Care." Let me just give you a little brief history on this bill and why it came out of the committee as a 7-6 Majority Report. This is not taking anyone's right to organize away. This is simply about the state's current policy that allows a select group of businesses, private businesses, to organize under a state umbrella.

It is appropriate to have established venues for regulation communication with providers and caregivers, but it's a challenge to enter into a collective bargaining relationship with small, private for-profit businesses as employees when the state regulates their practices and their requirements. I want to repeat that: Their rights to organize are not being taken away. They also have a Family Child Care Advisory Council that meets once a month as one available example, and there are other advocates, organizations and groups that private entities belong to as any other private entity up here at the State House that we deal with every day.

I'm not even going to go into all the ins and outs of this bill that basically, to me, and I think a lot of the members on the Labor, Commerce, Research and Economic Development Committee feel that this is a conflict of interest and that's it. With that, I will let others speak on this 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**: The Chair recognizes the Representative from Buxton, Representative Hunt.

Representative **HUNT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. These independent child care providers are just that, independent. Many times, it is one person, a sole proprietor with four or five children. Because parents depend on child care providers to go to work, providers can't simply close up shop for the day. Some may argue that these folks could advocate for themselves up here. As you may have noticed, we work a specific number of hours in the middle of the day for half the year. Prime child care hours. Providers need to give parents months of notice if they will be closed and if they close often, the children go elsewhere. On a side note, every day on my way to Augusta I leave my son at a day care. It's the hardest part of my day. Knowing that my child care provider has a lifeline to the people of making broad decisions about the facility gives me solace.

Let's look at what representation has done for child care providers. Previously, child care providers had a difficult time receiving state funding timely, waiting at times six to eight weeks before receiving moneys owed to them and now it's on time. Two, representation at rulemaking hearings enables child care providers to have their unique voice heard and ensures that commonsense regulations are developed that work for their

businesses and the children and families they serve. Three, now they have the ability to weigh in on subsidy rate setting, quality and safety standards, licensing and issues germane to the provision of child care in a home based setting. Four, with an advocate, providers passed the bill that helped them purchase more affordable homeowners insurance. These are things that I think we would all agree are good things for our providers and our kids. These are hardworking people, working from 6 am to 6 pm caring for our greatest resource. These people are caring for the children of your constituents. These people are your constituents, exhibiting limitless patience and love. I would argue that we should do all we can for these providers. Happy providers lead to happy children which lead to happy families. Thank you, Mr. Speaker.

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

Representative **KUMIEGA**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. The evidence is clear: The State of Maine no longer sees value in quality early childhood education and care. From the Executive, we have proposals to eliminate state support for Head Start and slash child care subsidies in half. The state recently shut down the network of resource development centers that provided professional development and technical assistance to child care providers, as well as referral services for families seeking quality child care and help paying for that care. Also closing down was the Child Care Plus program that gave technical assistance to child care providers, specific to children with special needs. A note was distributed last week with details on those programs and their end. Now we want to take away providers' rights to organize. As if these folks are overpaid.

In the opinion of many who know far more about the subject than I, the most important time in a child's development are the years birth to 5. No one other than their parents can influence a child's development more than their child care provider and these folks can usually make more money waiting on tables than working a child care center. Brain development that does not happen before age 5 most likely will not happen. Special needs that are not met early in life can turn into lifelong disabilities. We need to attract the best and the brightest to choose early childhood education as a career or as a business, and ending their rights to organize and thereby guaranteeing that this industry remains underpaid and, maybe more importantly, under appreciated will not help that effort. This is about the future of Maine. If we want to build a more robust and stable economy for our state, we should vote no on the pending motion. 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 encourage you to join me in opposing this bill. As proposed, LD 1894 would shut Maine's family child care providers out of any discussion relating to problems preventing quality child care.

It would take away the right of Maine's family child care providers to be part of the decision-making process to improve the quality of child care in our state. And it would remove their right to negotiate compensation for these publicly funded services.

This bill interjects the Legislature and circumvents the collective bargaining process, that is in process, between Maine's child care providers and the Executive. I ask you to support Maine's child care providers and vote no on LD 1894.

The **SPEAKER**: The Chair recognizes the Representative from Belfast, Representative Herbig.

Representative **HERBIG**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Before this bill was even on my radar, I was at a town meeting in my district and a child care provider came up to me and explained that this was the first time in her 30 years as a child care provider that she was receiving timely payments from the state, timely reimbursements. She cited this legislation that we're now trying to repeal as why this was happening.

How this started was that in 2007, these child care providers were being prevented from most effectively performing their jobs. They were having issues with the payment system, receiving state reimbursements in a timely manner. They were sometimes having to wait for weeks in order to receive this, and also they wanted influence in sensible child care policies. I am thankful that they have that now. I think it makes me a better lawmaker. I think it makes us all a better lawmaker. They have representation at rulemaking hearings regarding safety standards, quality standards, licensing, homeowners insurance, things that really, really affect their industry that we're not as in touch with as they are. I am thankful to have that voice at the table and, if not, I think we'd be making uneducated laws. I feel like I would be telling them how to do their business and I don't see that as my role as a lawmaker.

With them not having to come over here, with having someone here able to advocate for them, they're able to focus on delivering more higher quality child care to young Mainers. They are small business owners who are working hard and they are able to do a better job because they have someone advocating on their behalf. The current law has been part of a solution and this doesn't make any sense to me. I think seeing this as sort of a means of economic development is we're really taking our eye off the prize. This doesn't create a single job, nor does it stimulate our economy. To me, it just seems like eliminating workers' rights as a means of economic stimulus, which doesn't make sense and I think that Mainers deserve a lot more than this. I urge you to vote against LD 1894.

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

Representative **SHAW**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I heard probably out in the halls that if these child care providers wanted to come and lobby us, that they should come up to the State House and lobby us here. In honor of the good former Representative from Harrison, I would like to mention that these day care providers most likely are working between the hours of 10 am and 10:45 am. Thank you.

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

Representative **STUCKEY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. For years in our culture, the biggest subsidizers of child care have been the children themselves. Right after them come the child care providers. This bill which eliminates their ability to work together, the folks who provide child care in the family child care settings, who aren't able to be here because if they were here, the kids they take care of wouldn't be able to be with them. Their parents, therefore, would either be home taking care of their children or their children would be in very much more unsatisfactory settings.

So this bill, I think it fits in with a list of strategies that have come forward in the recent days about taking care of children and the importance of early child care. There are proposals to eliminate state Head Start funding, to eliminate their resource development centers, to reduce the voucher subsidies, to make the voucher applications very complicated. The Department of Human Services claims that there is no child care waiting list for

subsidies. That, to me, doesn't pass the straight-faced test and really demonstrates that the program is so complicated and convoluted and inaccessible to folks that they're trying to eliminate it. Child Care Plus we heard about. This bill, I can't see what it does other than fits in with the larger global strategy to promote the ideology that the state shouldn't be supporting families with young children. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative O'Connor.

Representative **O'CONNOR**: This bill doesn't have anything to do with child care providers being able to organize or the right to organize. Think about this. If we allow this to happen, which we're fixing now from a bill that there was a problem with a few years ago, then what's next? Landscapers want to be on the public pension plan or health insurance plan, maybe painters, maybe everybody else? Why doesn't everybody else just jump right in because that's what this opens the door for. Thank you.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Sanborn.

Representative **SANBORN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Allowing child care workers who are willing to care for children receiving State subsidies for child care to participate in the collective bargaining process with the state is the right thing to do.

I am amazed by the number of flyers coming across my desk in the last week or two promoting high quality child care and early childhood education. I'm looking down at an orange one from Representative Prescott from the Start ME Right Coalition. There is no doubt, no doubt whatsoever that these programs are an excellent investment for the State of Maine.

I have been participating in a Health Leadership Development Program through the Daniel Hanley Institute this year and the topic we have studied is Adverse Childhood Experiences and the severe and long term damage these events have on the developing brain. We have numerous long term studies that prove the value of early child quality care and education and interventions with their parents, showing at least a 4:1 return on investment, and more often a 12:1 return on investment for these programs.

Now it is time to connect the dots. What this means is we need to support child care subsidies and the child care providers that are willing to work with these families. Cutting the subsidies and cutting off the provider's ability to be part of a union that keep them at a livable wage is just plain nonsense. If LD 1894 passes, child care providers will not be able to take on children that most need quality care. Their parents will not be able to afford child care and either will depend on haphazard care or will leave the workplace, making the family dependent on welfare. For the life of me, I believe this is the very outcome folks across the aisle want to avoid – it is an outcome we all want to avoid.

Maine invests 1 percent, just 1 percent of all the money we spend, on education, on children birth to age 5, despite the fact that 90 percent of brain development occurs in this age group. By the time these children enter school, their brain chemistry has already been set by their early child experiences. The cost of special education, the cost for corrections, the cost for treatment of substance abuse and the loss of productivity as adults has already been determined to a large extent, and those costs are extreme.

The flyers on my desk promoting early childhood care and education should follow through with support for the Maine Home Visiting Program, Child Care Subsidies, Head Start and for child care providers, an extremely undervalued and yet the most critical workforce we Mainers have. Nothing is more important than our children. Please make a rational vote and vote against

LD 1894. 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 have a few more points to make. This bill does not affect quality care at all. That's a goal that every person in this field should strive for. This bill is about consistency and restoring that consistency within our state. This bill takes no rights away, it takes no voice away. They have the same rights and the same voice as any other private business within the State of Maine. Child care providers currently are the only service group that are singled out at this time, the only service provider in statute in the State of Maine and the State of Maine is not their employer. That's what this bill is about. It's not anything to do with the quality of child care in the State of Maine. This is about the Maine State Employees Union being the collective bargaining agent for a group of people, employers – not their employees but child care providers – and that is where this problem exists. They are not their employees. 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. This would probably be the most interesting collective bargaining situation in history and you would feel like you'd been watching "Mrs. Doubtfire" when you were done. The owners would be negotiating with themselves. It's unheard of.

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. 305

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

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

ABSENT - Bickford, Celli, Crockett, Dion, Driscoll, Kent, Pilon, Tuttle.

Yes, 76; No, 66; Absent, 8; Vacant, 1; Excused, 0.

76 having voted in the affirmative and 66 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-515) 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-515)** in concurrence.

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

The House recessed until 2:00 p.m.

(After Recess)

The House was called to order by the Speaker.

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-918)** - Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Reform Land Use Planning in the Unorganized Territory " (H.P. 1325) (L.D. 1798)

Which was **TABLED** by Representative CURTIS of Madison pending **ACCEPTANCE** of the Committee Report.

Subsequently, the Unanimous Committee Report was **ACCEPTED**.

The Bill was **READ ONCE**. Committee Amendment "A" (H-918) was **READ** by the Clerk.

Representative McCABE of Skowhegan **PRESENTED House Amendment "A" (H-926)** to **Committee Amendment "A" (H-918)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I present this Committee Amendment today to address some issues within a bill that had been worked for quite an amount of time and I appreciate folks support. Thank you.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Edgcomb.

Representative **EDGEComb**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I also support this amendment and I believe it will strengthen the bill that we have. Thank you.

Subsequently, **House Amendment "A" (H-926)** to **Committee Amendment "A" (H-918)** was **ADOPTED**.

Committee Amendment "A" (H-918) as Amended by **House Amendment "A" (H-926)** 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-918)** as Amended by **House Amendment "A" (H-926)** thereto and sent for concurrence.

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

An Act To Provide Tax Relief for Maine's Citizens by Reducing Income Taxes

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

(S. "C" S-443 and S. "E" S-506 to C. "C" S-427)

Which was **TABLED** by Representative CURTIS of Madison pending **PASSAGE TO BE ENACTED**.

Representative CAIN of Orono **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**: The Chair recognizes the Representative from Bowdoinham, Representative Berry.

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I call your attention to a green sheet that you should have on your desk. It provides the 2009 results from the last of the TABOR initiatives, which was rejected by every county in the State of Maine, and at the bottom is a link so that the members of this body can refer to the votes taken in their towns on that initiative. Statewide, the margin was greater than the margin for rejection of any other of the TABOR tax cap initiatives, 40 to 60 percent.

And I want to note that the ratchet effect which LD 849 shares with those TABOR measures is of particular concern to a growing number of groups. Because there was no hearing on the amended version of the bill, even before it was further amended in the other body, it's hard to say, Mr. Speaker, how many organizations would support or oppose this LD in its current form. But we know so far, and I would welcome any corrections, of one organization which supports it and that is the Maine Heritage Policy Center.

We know of at least 14, Mr. Speaker, 14 organizations which oppose LD 849 and share the concerns that were voiced by Maine people at the ballot box in 2009. The organizations include the Maine Municipal Association, the Maine Education Association, MSEA SEIU, our state and public workers, the AFL-CIO, the Maine Women's Lobby, the Maine Center for Economic Policy, the Maine Children's Alliance, Planned Parenthood of Northern New England, Maine Equal Justice Partners, Preble Street, and last but not least three different editorial boards. Those are the Maine Today Media, *Bangor Daily News*, and *The Times Record*.

Mr. Speaker, the third point which I have not yet shared with this body is that the impact on property taxes will constitute a net tax increase for the middle class and for working families. If this body proceeds without a plan to fund the tax reduction and right now in this bill there is no plan for funding it, there will be a small income tax benefit for the middle class but a very significant property tax increase. And in conversations with the chief economist at Maine Revenue Services, last Friday we established that the net increase to the middle class to the average Mainer, if we pass this bill and it goes fully into effect, and that increase is \$839.

Mr. Speaker, if we vote for this measure, we are voting for an \$839 net increase, total increase, for the average Maine citizen. If the bill takes effect part way, I'd say halfway, then it would be over \$400 in net tax increases. Mr. Speaker, I welcome politically the opportunity to make that known to the public and to make it known that there are some in this body who would increase taxes on the middle to give what would be close to \$20,000 in net tax decreases to the very, very wealthy.

But I think it would be a sad day for Maine's economy and a sad day for our middle class if we did in fact vote for that, and so I urge the members of this body to vote against it, to vote in favor

of our middle class, to listen to the people in your district – I hope you will – to look at the results of the TABOR II referendum, consider carefully what we are voting for here today and how it will impact property taxes if this bill goes forward as it's written. And if you think we cannot withstand it, then I would submit that that is a justification for passing just about anything in this body. That's not the way to make policy. I certainly hope that this institution is better than that. Thank you very much, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Hudson, Representative Duchesne.

Representative **DUCHESNE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. At this point, you're probably as sick of hearing my voice as I am. The spin on this bill is that we're only skimming money left over after we've paid our bills. That's true, but it's also false. We're skimming money after we've paid our bills, but before we've paid our debts. Article 9, Section 18.B of the Maine Constitution, that is the clause that says we must fully fund the Maine State Retirement System by the year 2028. The citizens put that in the Constitution in 1997. We have used up half the deadline they gave us and now we're skimming off money that was to help pay that debt.

Two and a half billion dollars, that's how much debt we owe to the Maine State Retirement System right now. The parties worked together to get that down to two and a half billion, but it's still two and a half billion. Ten and a half billion dollars; that is how much total debt we had when this Legislature took office according to the Maine Heritage Policy Center, and it must be true because our current commissioner of Education wrote that. Now this Legislature leaves office reducing our ability to pay those debts. Which political spin is less accurate? That we actually had all of those high debts in the first place or that a surplus proves we've paid all of our bills?

Section 2, subsection 1. That's the part of this law that tells the bond market we are going to slow down payments of the UAL. That's also the part of the bill that says we are going to slow down repayments of the rainy day fund. The bond market. That is the group of people who lower bond ratings on states that have unfunded liabilities and don't sufficiently replenish their budget reserves and states that enact statutes that automatically ratchet down revenues.

Mr. Speaker, only the 125th Legislature would combat rising floor waters by lowering the dikes. Only the 125th Legislature would hear on March 28th from the U.S. Department of Commerce that this state has the lowest growth rate in America and then 12 days later pass a law that relies on growth to fund a tax cut. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Biddeford, Representative Casavant.

Representative **CASAVANT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Do no harm. When I first got to the Legislature six years ago, that was the piece of wisdom that someone gave me, that when voting on a particular bill always consider the ramifications.

I talked to my town manager in Kennebunkport about this particular bill. He was against it because he was afraid of what it was going to do to the budget of the local community. When I talked to the city manager of Biddeford, same issue. How does that affect our school funding that seems to be perpetually underfunded? How does it affect our sewers and infrastructure? Do no harm.

When I look at this bill, I am very concerned about the ramifications of the local property tax. Again, wearing two hats, I naturally would be more concerned. But I would beg you to reflect upon the hidden details of the bill itself. On the surface, it sounds like a wonderful thing to do. But again, when you look at

the potential ramifications, you have to come back to the basic do no harm. Thank you.

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. 306

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

NAY - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Casavant, Chapman, Chipman, Clarke, Cornell du Houx, Dill J, Duchesne, Eberle, Eves, Flemings, Gilbert, Graham, Harlow, Haskell, Hayes, Herbig, Hinck, Hunt, Innes Walsh, Kaenrath, Knapp, Kruger, Kumiega, Lajoie, Longstaff, Lovejoy, Luchini, MacDonald, Maloney, Martin, Mazurek, McCabe, Monaghan-Derrig, Morrison, Moulton, Nelson, O'Brien, Peoples, Priest, Rankin, Rochelo, Rotundo, Russell, Sanborn, Stevens, Strang Burgess, Stuckey, Theriault, Treat, Tuttle, Valentino, Wagner R, Webster, Welsh.

ABSENT - Bickford, Celli, Crockett, Dion, Driscoll, Goode, Hogan, Kent, Peterson, Pilon.

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

72 having voted in the affirmative and 68 voted in the negative, 1 vacancy with 10 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

Resolve, Directing the Committee on Veterans and Legal Affairs To Develop Legislation Establishing a Presidential Primary (S.P. 659) (L.D. 1882) (C. "A" S-517)

Which was **TABLED** by Representative CURTIS of Madison pending **FINAL PASSAGE**.

Subsequently, the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Friday, April 6, 2012, 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 (9) **Ought to Pass as Amended by Committee Amendment "A" (H-893)** - Minority (4) **Ought to Pass as Amended by Committee Amendment "B" (H-894)** - Committee on **LABOR, COMMERCE, RESEARCH**

AND ECONOMIC DEVELOPMENT on Bill "An Act To Amend the Laws Pertaining to the Maine Economic Improvement Fund"

(H.P. 1393) (L.D. 1885)

TABLED - April 5, 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. Our committee worked very hard on this to try to gain some consensus and I think that if we defeat this motion, the Majority Report would probably be the best way to go.

Currently, the University of Maine and the University of Southern Maine receive the majority of funds, while a large portion of the funds are used for direct matching grants. These universities are consistently writing more and large proposals. The demand for match continues to grow but with an average return of 4 to 1. The return of investment is significant. The University System recognized that individual or small team researchers at the small campuses may have need for more funds, by recognizing that it didn't make sense to make larger investments needed to convert a smaller campus to a research campus created by the small campus initiative. The original competition awarded \$100,000 of the funding to researchers at the five smaller campuses in the University of Maine System. In 2010, the University of Maine System increased that to \$200,000. This is deducted from the other portions of the money for the MEIF. There was no new money added.

The University of Maine System has a couple of concerns about the current Minority Report that we wanted to bring to the committee's attention and they did. The University of Maine System strongly supports the small campus initiative and feels it has and will continue to be a very successful component of the program. The initiative has support from the University of Maine System Board of Trustees and the chancellor. As a system, they feel that the program works best when given the maximum flexibility, which we feel that the other report does. The essential difference between the two reports, that the Minority Report now makes it effective July 2013 whereas the other report, the one I'm supporting, phases it in over a three-year period. We've worked hard on this bill. I'm sure many of us have received calls from the system. I really think that by implementing it on a quicker basis, it decreases the flexibility of the program and therefore I would hope that you would vote against the Minority Report.

Representative **CAIN** of Orono **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. The Labor, Commerce, Research and Economic Development Committee did work hard on this bill and I just wanted to highlight a few areas between the Minority Report, which is up here on the board, and the Majority Report. The Minority Report gives 3 percent of \$14.7 million that by statute is supposed to go to all seven of the University of Maine System, all seven campuses, not just two. Since the fund was established in 1997, until 2008, University of Maine at Orono and USM were the only two campuses to receive these funds. So in 2009, \$100,000 is now

being allocated; \$200,000 supposedly is being allocated although we have not seen the report from that yet. So we're assuming that the \$200,000 is being allocated. That's \$200,000 of \$14.7 million to go to applied research for the entire university system for the State of Maine. All this report asks for is 3 percent. That's still equivalent to only \$440,000. And this is a competitive process. This does not hurt the university system at all. It actually helps them to have a collaborative effort between all of the campuses and not just two. The Minority Report does this as of July 2013. It does not phase it in over a three-year period of time. It does it immediately as of next year. It still gives it a year for them to figure out how they're going to fund all the projects that are out there already, and I do not have any doubt whatsoever that they can find the funding elsewhere to try and share some of this money that's taxpayer funded, coming out of the General Fund money. That's not their money, it's our money. When this fund was established, it was for all of the campuses. So I would hope that you would support the Minority Report, this is a bipartisan report and help us fund some of the other research and development that's going on around the state that's equally important to the viability of the State of Maine. Thank you.

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. This bill gives me pause in general. Automatically designating research funds preempts the competitive process for the award of research dollars. This is a slippery slope to automatically award research money. These grants should be awarded on the merit of the project, not the size of the school. As it stands now, the amount of money requested for projects far exceeds what is given out. Nevertheless, this is the direction we are going. Although the transfer of funds does not go into effect until July 1, 2013, the projects we are talking about do not stop on a dime. Many projects last five years or more, therefore a slow transition of resources to allow projects to wrap up rather than pull the rug out from under them seems like a more prudent approach.

The Majority Report is a more gradual, more responsible approach. If we were going to infringe on the competitive grant process, let's do it in a more reasonable way. A 3 percent allocation seems like a small amount of money, but please keep in mind that these funds are leveraged two, three, four times. So before we yank this money away from projects who have been awarded this money on a competitive basis, please be aware that it's not just 3 percent we are talking about. I feel a more gradual reallocation of funds is a better approach and I hope you would agree. Thank you, Mr. Speaker.

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

Representative BURNS: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want to say very briefly on this, to me, this is a matter of fairness. To use the terminology that this is a slippery slope, to me, more refers to the fact that the law already provides that this money is to be distributed on a fair and equitable basis among the seven campuses. That's not being done now. This was a mere pittance that's being asked for here. It's something that is necessary, it's something that will help all of our areas, all of the seven institutions and it's a very, very reasonable request. I would ask you to take the time and go to some of these other universities that want to do these types of projects and see what they're up against, where they have no money, they have no competitive process, no way to attain what they want to do. They shouldn't all be in the hands of big brother and apparently right now it is. There is one institution or one university that is

controlling all of this and this is a fair and equitable approach to sharing and spreading around some of this money, the money that the taxpayers of the State of Maine have put in place to provide research opportunities. I would ask you to support the Minority Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Harrington, Representative Tilton.

Representative TILTON: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the pending motion. I am the sponsor of this legislation. I introduced this bill because I believe in the power of applied research to fuel innovation that is so important to this state's economic success. As you know, the Maine Economic Improvement Fund represents \$14.7 million annually that the Legislature invests in research through the University of Maine System. The University is obliged to spend these funds on applied research in seven priority areas, and they also use the money, as you've heard, to leverage federal and private dollars to form a critical mass of effort that plays an important role in Maine's economic development. However, from the time the fund was created in 1997, until 2008, over 10 years, all of the MEIF money, over \$115 million, was used by the University of Maine at Orono and the University of Southern Maine. Yet there are seven campuses in the University of Maine System. The combined student population of the five smaller campuses is nearly the same as Orono, and more than USM, but still for all those years, in spite of repeated appeals to the System, the small campuses were disregarded when it came time to allocate MEIF funds.

In 2009, I introduced a bill which sought to distribute 3 percent of MEIF funds among the rural campuses, clarifying what had been the original legislative intent – that all the member campuses of the University of Maine System benefit from the fund. In fact, the actual language of the law is not very subtle. It says that the fund should be used for "applied scientific research and related commercial development conducted by the University of Maine System, its member institutions and its employees and students." I felt the history of how the University of Maine System had treated MEIF justified an even more clear legislative directive. To me, this was an issue of fairness, and of spreading the MEIF investment, and the potential it holds, to all corners of the state.

Even though my bill failed in 2009, I applaud Chancellor Pattenade for creating and continuing the Small Campus Initiative which until, I believe, this year was funded at a level of \$100,000 and that was funded in 2009, 2010 and 2011. That fund has been used by university researchers at Machias, Fort Kent, Presque Isle and Augusta, and they've used these modest funds for important research, often collaborating with other institutions. And they do compete for these funds. They aren't simply written a check and told to do whatever they feel like doing. They have researchers. The researchers have to apply for the funds in a process that is very different from what Orono and USM use, but it is still a vetted process.

When Chancellor Pattenade announced his retirement, I reflected that he alone had kept this small but important program going. And that the future leadership of the University of Maine System might not be so generous. The more I thought about it, the more convinced I was that the leadership at the University of Maine System should not dictate whether or not MEIF funds are available to the smaller campuses – this Legislature should.

LD 1885 sets a 3 percent appropriation in statute to be distributed among the five smaller University Campuses. And why is this important? Number one, a guaranteed stream of MEIF money available to these smaller campuses can help

provide important tools for economic and community development, which will also leverage outside funding and have important and positive impacts throughout the state. Smaller campuses should not be forced to rely on the largesse of the two powerhouses of the university system. They should instead be able to rely on the Legislature to make its intentions in this regard very clear.

Secondly, over the years, we, as a Legislature and as people in the state, have tried to prevent "brain drain," and our decisions to support the University of Maine System with research dollars should be consistent with this goal. Scientists should not be cut off from research dollars, which the taxpayers of the State of Maine provide, simply because he or she chooses to live, teach and conduct research in the area they were born and raised in. In a small but important way, this MEIF money can help plug brain drain from some of our most rural campuses.

Conversely, the smaller campuses will have a little more to offer students and faculty when they can be assured that they can conduct ongoing research. Providing talented faculty with an opportunity to conduct research should not be the exclusive domain of only two out of seven campuses.

Businesses and entrepreneurs in rural areas are more apt to reach out to their small, local campuses for help when applied research is needed than to distant college campuses. The Downeast Institute for Applied Marine Research and Education on Beals Island is affiliated with the University of Maine at Machias. Not only does it provide students with the ability to learn and develop new shellfish rearing, recruiting and growing techniques that are directly important to the state's coastal economy, they are in a unique position to benefit, and benefit from, the knowledge of fishermen and others in the local community. And the closer applied research is to the real and immediate needs of industry, the more likely it is that technology transfer will take place and jobs will be created.

Having research dollars available to campuses across the state will certainly encourage more collaboration among the system campuses. In order for two organizations to collaborate effectively, both of them must have something to bring to the table. Having the research dollars centralized just minimizes any incentive that the larger campuses might need to take advantage of the talent that's residing at some of their smaller counterparts, and ignoring their potential contributions.

I am convinced there is every reason to support this motion. For the sake of statewide access to research education and economic development opportunities, I ask you to follow my light. Thank you, Mr. Speaker.

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 wanted to reiterate one fact. The 3 percent is not just to somehow be given out to any of the five outlying campuses and the Representative that just spoke also said that as well, but it was previously suggested that they would somehow just be handed money. There is an award process, a competitive process as it should be by law for each and every recipient.

I also want to bring to your attention the imperative need for research and development to be done in the marine resources area. We had clammers that came up and testified on this bill and their need is not a month or two away and even with the Minority Report, we still don't get this funding to the universities until July of 2013, Mr. Speaker. They need this now. So this is an area that is hurting. They are friends and neighbors of a lot of people along the coast. I don't have quite so many in Topsham, but I do know many who work in Harpswell and Brunswick,

Freeport, and they are desperate to get the research and development dollars into the field to save this industry. So please think of that as you cast your vote. Thank you.

Representative **TUTTLE** of Sanford **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

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

Representative **CAIN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of the goal of the legislation but in opposition to the pending motion. The difference is not in the end goal. The difference is not in whether or not any one of us in this chamber values the research potential all across our great state. The difference is in implementation and in ramp up. It's important to point out that while this is a \$14.7 million fund currently, the need is much greater. In fact, it's probably three or four or five times greater. I think it's great that this body is debating support for R&D, but what we are not debating is an increase in funding for R&D. What we are debating is taking the existing amount and changing in statute how it gets spent.

A few things that are worth noting. Currently, none of the money in the Maine Economic Improvement Fund is allocated in statute to any particular campus. In fact, while it has been stated that it was supposed to go to all seven campuses initially, that does not bear out in the statute nor in the report of the 1995 or 96 commission that created the Maine Economic Improvement Fund. The report didn't focus on campuses. The report focused on economic outcomes based on seven technology sectors as designated by this Legislature, or the prior one, excuse me. In fact, all of the changes that have come to the Maine Economic Improvement Fund have come as a result of Joint Select Committees focused on R&D, focused on evaluating the progress we've made, how much farther we have to go and the technology sectors that they exist in.

The fact that there was an 80/20 split between the two larger of the seven campuses is not in statute and did not appear randomly. In fact, it was the result of legislative work that studied where were things happening, where was there the potential for more. And I am excited to say that the university system, when they made the decision, the one that came out of creating the pool of funds for smaller campuses was also not done randomly. As the good Representative said, there was a bill in the prior session, but even before that, every year before the Appropriations Committee we would hear wonderful testimony from researchers at the smaller campuses and we finally said to them "We don't think this belongs in statute because you are doing a good job. We think you could do better when it comes to smaller campuses." And they listened.

I think it says a lot that no one from the university system came to oppose this bill at all. They came to offer compromise, they came to offer support, and they came to offer a realistic implementation. What the Minority Report does is not realistic because it would force funds, does not give time for funds within the \$14.7 million that will be moved from one area to support the larger fund for smaller campuses. It does not give time for those funds to be replaced. If we defeat this motion and move on to the other report, I believe we will have a better option for the same outcome. We need to keep our focus on economic development. We need to keep our focus on job creation. We need to keep our focus on the incredible, well thought out bipartisan work that this Legislature and prior Legislatures have done to set clear parameters and priorities for these funds. And we also need to applaud ourselves, because these funds are reviewed annually for meeting their purpose, they are reviewed in public and they

are peer reviewed across the country.

I am proud of the work we have done as a state when it comes to research and economic development. I am proud that as a State Legislature we have stayed away from putting politics before the policies of economic development. And I am proud today that we are debating good policy related to R&D, but I cannot support the pending motion because it is for the right reason in the wrong amount of time, and that's why I hope you can defeat this motion and move on to the Majority Report. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from China, Representative Cotta.

Representative **COTTA**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. There is other business we'll get to here in a little bit, but on this particular bill, this 1885, there is a lot of misconceptions around about what the title says. I give you the reference for the Maine Economic Improvement Fund. It's in Title 10, it's Chapter 107C. It's written in English. It was out there in 1997, has not been amended, has not been changed and clearly in that statute it says to support research and development defined by applied research and related commercial development conducted by the University of Maine System, its member institutions, its employees and students in targeted areas. You heard one of my colleagues refer to that, actually quoted that.

The areas that the MEIF was supposed to support are outlined in Title 5, Chapter 407. Look it up. It's clear. However, what has happened in practice since 1997 and quite boldly in the report from the MEIF, which is filed annually every January, 2006, and I quote, it says "the university system allocates these funds to two universities it has designated to conduct basic and applied research in some of those areas for the University of Maine and the University of Southern Maine." If they change the policy, they change this title. The actual statute does not allow that. Thank you very much.

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. 307

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

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

ABSENT - Bickford, Celli, Crockett, Dion, Driscoll, Goode, Kent, Peterson, Rochelo, Theriault.

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

74 having voted in the affirmative and 66 voted in the negative, 1 vacancy with 10 being absent, and accordingly the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "B" (H-894)** 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**.

Representative COTTA of China **PRESENTED House Amendment "B" (H-923)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from China, Representative Cotta.

Representative **COTTA**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I might just end up squeaking here after a while because my voice is just about ready to give out. For years, members of this chamber have recognized that for the benefit of Maine, we must empower our economic engines and the University of Maine has demonstrated it is part of that process. However, we may not be maximizing this system's full potential.

The University of Maine System consists of seven public universities, each with a distinctive mission and character, but not all have been afforded access to resources available. The University of Maine has at its disposal the Maine Economic Improvement Fund established in 1997 and is administered by the University of Maine Board of Trustees. The use of these funds is outlined in statute and that the fund is to support research and development to fund as applied scientific research and related commercial development conducted by the University of Maine System, its member institutions, its employees and students and target areas.

The target areas, what it means is targeted technology for which research and development is considered most likely to produce significant benefits to the people and the economy of the state. The technologies are biotechnology, aquaculture, marine technology, composite materials technology, environmental technology, advanced technologies for forestry and agriculture, information technology and precision manufacturing technology. This is a very wide but well defined area. In practice, however, the fund has not been supported, has not supported competitive applications of this fund from five of the universities during the period of 1997 until 2009, when in 2009, the grant for five universities were restricted to a total of \$100,000 to be shared between the five universities which are the University of Maine, Fort Kent; University of Maine, Presque Isle; University of Maine, Farmington; University of Maine, Augusta; and University of Maine, Calais. Currently, with the exception of the \$100,000, the remainder of the \$14.7 million is routinely divided between the University of Maine, Orono, and the University of Southern Maine.

As I mentioned earlier, in the 2006 report that was an open declaration by the University of Maine, Orono, that they would, contrary to statute, limit the R&D to two campuses. This is not meant to criticize but more to highlight a missed opportunity in the quest to maximize the system's potential. We cannot have a two-legged stool or stagnated development and that is why this amendment directs 10 percent of the annual funding to the MEIF be available to five other universities, and I included the Maine Maritime Academy, the forgotten school that does so much R&D. The funds identified in this amendment are not guaranteed awards because all of the grants administered by the MEIF are competitive applications. This is only to ensure that funds are available for the qualifying applications from the small outlying universities. Funds not awarded through grants will be carried forward. That is a provision in statute and it is currently the

practice. In fact, there are carryovers from 2010 and 11. The University of Maine, Machias, for example, has been conducting research in support of our struggling marine industry. Lacking a crystal ball, I cannot predict where the next opportunity or restoration of a failing resource will be done, but with a collective effort our chances of success are greatly improved. Grants for qualifying research could be collaborative. It's not an all or nothing. It could be the University of Maine partnering with the University of Maine, Machias, or some other combination. It's not a mutually exclusive option that we're talking about.

I think, and in closing, I have already repeated a collaborative effort, but we must explore all avenues because we all share the same goal and that is economic prosperity for all in Maine. For the future of Maine, I urge you to support this amendment. Thank you.

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

Representative **CAIN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in opposition to this amendment. I rise in opposition to this amendment because it in fact takes us in a very different direction than the original bill did. The original bill, there was no difference in whether or not we thought that we should move in this direction. It was a matter of how quickly and to what extent it should ramp up. But this amendment, with such a large number of 10 percent happening so quickly, is in fact a major departure from both the Majority and Minority Report of the initial bill.

What this says to me, Mr. Speaker, is that we need another Joint Select Committee, that now it's been six years since the last one. I chaired the last one and I think it's time for us to have another Joint Select Committee because if there is this much interest in making such major changes without the same type of track record this Legislature has had for bipartisan, public, collaborative, very involved and integrative work in this Legislature with the partners who utilize this money in the public sector and the private sector and the educational sector, then we really are stepping outside of our own tradition, Mr. Speaker, to move in this drastic direction. Mr. Speaker, I request a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "B" (H-923)**.

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. Mr. Speaker, Ladies and Gentlemen of the House. Before we were talking about 3 percent, now we're tripling that. Like I said before, these projects don't stop on a dime. They go on for four, five, six years, so literally what we're doing is pulling the rug out from some of these projects, ones that had been awarded competitively. When the money leaves here, it goes to the University of Maine System. Then there is a competitive grant process. Before that competitive grant process, 10 percent automatically, off the top, goes to the smaller campuses. I'm sure it's competitive there. That's great, fantastic. But off the top before anybody else gets a chance at it, it is automatic without looking at a single proposal.

Now there's a lot of great research going on at these campuses, but what if there is better research going on at a different campus? Ten percent, off the top, goes off. So some very deserving commercially viable projects may go unfunded, just because they happen to be at a bigger campus. I think this is a terrible direction to go in. I actually applaud the Maine Maritime addition. I think that's actually a great idea. But the process of actually tripling the amount, we're just going to take off the table

automatically without one single competition being held. What's to stop the next Legislature from making it 20 or 30 or 40 just because we can, not because it's right? Thank you, Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "B" (H-923). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 308

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

NAY - Beaudoin, Beavers, Beck, Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Chipman, Clark H, Clarke, Cornell du Houx, Dill J, Dow, Duchesne, Eberle, Eves, Flemings, Gilbert, Graham, Hanley, Harlow, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Johnson P, Kaenrath, Kruger, Kumiega, Lajoie, Longstaff, Lovejoy, Luchini, MacDonald, Maloney, Martin, Mazurek, McCabe, Monaghan-Derrig, Morrison, Nelson, O'Brien, Peoples, Pilon, Priest, Rankin, Richardson D, Rochelo, Rotundo, Russell, Sanborn, Shaw, Stevens, Stuckey, Theriault, Treat, Tuttle, Valentino, Volk, Wagner R, Webster, Welsh.

ABSENT - Bickford, Celli, Crockett, Dion, Driscoll, Goode, Kent, Peterson.

Yes, 72; No, 70; Absent, 8; Vacant, 1; Excused, 0.

72 having voted in the affirmative and 70 voted in the negative, 1 vacancy with 8 being absent, and accordingly **House Amendment "B" (H-923)** was **ADOPTED**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "B" (H-894)** and **House Amendment "B" (H-923)** and sent for concurrence.

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

An Act Relating to Navigators under Health Benefit Exchanges

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

TABLED - April 6, 2012 (Till Later Today) by Representative RICHARDSON of Warren.

PENDING - **PASSAGE TO BE ENACTED**.

On motion of Representative McKANE of Newcastle, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment**

"A" (H-840) was ADOPTED.

The same Representative **PRESENTED House Amendment "B" (H-925) to Committee Amendment "A" (H-840)**, which was **READ** by the Clerk.

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. This makes some technical changes and clarifying language to the original amendment which is incorporated in this amendment, removes any references to fingerprinting which I know was troublesome to some, makes changes to some language that might have possibly conflicted with some of the language in the ACA and corrects this possible conflict. That's about it. Thanks.

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

Representative **TREAT**: Thank you, Mr. Speaker. The first I've seen of this amendment, of course, was just a few minutes ago, so, Men and Women of the House, I'm a little unclear about whether it actually makes LD 1497's Committee Amendment legal. My understanding is that the Committee Amendment was in direct contradiction to the rules that were recently issued to implement the navigator provisions of the Affordable Care Act. The Committee Amendment, as I read it, essentially required that one had to be a licensed broker, or producer as we say, in order to "facilitate enrollment." As I read the amendment, it seems to have removed that provision but has included additional language which says that an individual must be licensed as a consultant, which is very similar to the licensure required for a broker or producer in order to make recommendations to anybody participating in this exchange. I'm unclear why recommendations aren't the same as facilitation, and I guess I would pose that question to either the sponsor of the amendment or anyone who could answer.

The **SPEAKER**: The Representative from Hallowell, Representative Treat has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Newcastle, Representative McKane.

Representative **McKANE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'm not one hundred percent sure of the question, but I'll go through this again. First of all, the original amendment did not require anyone to be a licensed broker or producer. It allowed licensed brokers and producers to be navigators and also created a special certification for navigators in health care exchanges. The first amendment also had a provision about fingerprinting in it which some folks didn't like, so we've removed that completely. This has clarifying language to the definition of navigator. It includes individuals performing the duties of a navigator on the behalf of an organization or business entity. The amendment also makes technical and clarifying changes to Committee Amendment "A" to be consistent with existing state law and federal law and regulations. This has been thoroughly vetted by our own legal analysis in OPLA and by the Bureau of Insurance. Thank you, Mr. Speaker.

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

Representative **TREAT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I find that all of my concerns about the original amendment being illegal are not entirely addressed. One of the provisions of the original Committee Amendment said that someone performing the duties of a navigator must have errors and omissions coverage. However, the Federal Register Notice laying out the rules for navigators from the Federal Government explicitly says that

navigators may not be required to comply with rules such as requiring errors and omissions coverage. As I look at the amendment before us, it retains that language, although adding on to the extent allowed by the ACA. I really find this entire amendment to be extremely confusing.

The Affordable Care Act does give to the Superintendent of Insurance the authority to implement out rules. We have passed other pieces of legislation that give authority to the Superintendent of Insurance to implement provisions if they are necessary. I think in the attempt to fix the Committee Amendment, this particular amendment, I'm not sure that it makes it worse, but it puts in language that is not clearly changing the amendment to make it actually comply with the federal law and may introduce confusing language that we don't really know what it means. I guess I would ask a second question which is why is it even needed at all? I mean why do we need the underlying requirements? I'm just unclear on that.

The **SPEAKER**: Is the Representative posing another question through the Chair?

Representative **TREAT**: Yes.

The **SPEAKER**: Is the Representative requesting permission to pose a question through the Chair?

Representative **TREAT**: I am, Mr. Speaker, and I appreciate you clarifying that.

The **SPEAKER**: The Representative from Hallowell, Representative Treat has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Newcastle, Representative McKane.

Representative **McKANE**: Thank you, Mr. Speaker. I will do the best I can. There appeared to be some possible conflicts with state and federal regulations that have been clarified with this amendment. This is just some minor technical clarifying languages and there were those who felt that it wasn't even necessary, that there were no conflicts in the original amendment. But this is just further clarification.

The **SPEAKER**: The Chair recognizes the Representative from North Yarmouth, Representative Graham.

Representative **GRAHAM**: Mr. Speaker, may I please pose a question through the Chair?

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

Representative **GRAHAM**: Thank you, Mr. Speaker. Could anybody tell me why we're even talking about navigators if we voted last week to not establish an exchange at all?

The **SPEAKER**: The Representative from North Yarmouth, Representative Graham has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Newcastle, Representative McKane.

Representative **McKANE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This, we could still very possibly have an exchange, a federal exchange which will have navigators in it. We want to make sure that the navigators within that federal exchange are licensed or are certified and understand the laws of this state. Thank you, Mr. Speaker.

The Chair ordered a division on the motion to **ADOPT House Amendment "B" (H-925) to Committee Amendment "A" (H-840)**.

A vote of the House was taken. 65 voted in favor of the same and 52 against, and accordingly **House Amendment "B" (H-925) to Committee Amendment "A" (H-840) was ADOPTED.**

Committee Amendment "A" (H-840) as Amended by House Amendment "B" (H-925) thereto was ADOPTED.

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

Representative **TREAT**: Thank you, Mr. Speaker. I did in

fact turn my light off. I stood up to request a roll call and I also wish to speak to this issue.

Representative TREAT of Hallowell **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (H-840) as Amended by House Amendment "B" (H-925)** thereto.

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

The SPEAKER: The Representative may proceed.

Representative TREAT: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. A couple of days ago, I guess it was, we did debate whether or not to have a state health exchange or whether to leave that in the hands of the Federal Government. I think reasonable people can differ on whether it makes sense for the state to get involved or to let others shape what is a key part of the Affordable Care Act. I happen to have disagreed with the ultimate decision, but I think it's a decision I can certainly understand those who made that decision. What I don't understand is what we're doing with this particular piece of legislation which seems to me to be designed to make sure that an exchange, if it is set up by the Federal Government, does not function as it is intended. What I really don't understand is why anyone would be voting for this piece of legislation, even as it's been amended to attempt, not to make technical changes but to try to fix something that was totally in violation of the rules under the Affordable Care Act. It still is a mess. It still is very unclear, it still has requirements that are directly in opposition to what is in the rules that were issued last month, and it just seems to me that the only reason that someone would vote for this is to try to put roadblocks in the way of the exchange functioning well. I don't really understand that.

The purpose of the exchange is to help people get insurance. The purpose of the exchange is to help them figure out what policies might be better than other policies for them in their particular situation and how the different policies work with respect to how much out-of-pocket payments and all of that. The purpose of the exchange is to help small businesses figure out what's a good policy for their employees and the purpose of the exchange is for people to understand how much money they're going to get in a tax credit to help them pay for this insurance. And the purpose of the navigators that are being regulated by this bill, as amended, is to help all of that work.

I don't see how this bill in any way is going to assist our constituents in getting the health care that they deserve and I don't understand what the purpose of passing this is. There are actually very specific rules about regulating navigators that have already been enacted by the Federal Government and if we have a federal exchange, the Federal Government will be regulating those navigators under the federal exchange, and if they don't go far enough, once we have an exchange or before it's fully operational, our Superintendent of Insurance can certainly fill in any gaps. But it seems to me that this is a mistake and I just think it's important for people to realize that what we are doing today is not actually going to help anyone. Thank you.

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. This bill in its amended version simply assures that knowledgeable people will be working in these exchanges, that they will have some idea of the laws of the state, of the insurance that essentially they are selling. Now technically they are directing you to the different types of insurances available, the different policies available or maybe to MaineCare or to Medicare even. All of these things, the navigator could do. The navigator needs to understand the

laws of the state. They need to be certified by our own Bureau of Insurance. I think that's very important. The Representative from Hallowell asserts that this exchange might not work well if we have these certified people within it. I can't understand why anyone would think that, why if people are trained in the laws of the state that somehow the exchange wouldn't work as well. It doesn't make sense to me.

There are plenty of good reasons why we don't at this time, the State of Maine, want to jump in and have our own exchange, number one being the cost. I won't go through all the other reasons of all the other responsibilities we would have, but the cost of this exchange on the Maine economy and the Maine people and on our health care system, in general, are an extreme burden. We don't need this right now. Who knows? We might in the future, although I doubt it. But whatever we do, whether we go with a federal exchange or a state exchange, we want the people within those exchanges to know what they're talking about. Thank you, Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Engrossed as Amended by Committee Amendment "A" (H-840) as Amended by House Amendment "B" (H-925) thereto. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 309

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

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

ABSENT - Bickford, Black, Celli, Crockett, Dion, Driscoll, Goode, Kent, Peterson.

Yes, 71; No, 70; Absent, 9; Vacant, 1; Excused, 0.

71 having voted in the affirmative and 70 voted in the negative, 1 vacancy with 9 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-840) as Amended by House Amendment "B" (H-925)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

Reference was made to Bill "An Act To Amend the Law Regarding the Sale of Wood Pellets" (EMERGENCY)

(H.P. 1219) (L.D. 1610)

In reference to the action of the House on April 6, 2012 whereby it Asked for a Second Committee of Conference, the Chair appointed the following members on the part of the House as Conferees:

Representative WEAVER of York
Representative HARMON of Palermo
Representative PILON of Saco

SENATE PAPERS

Bill "An Act To Encourage Responsible Teen Driving"
(S.P. 684) (L.D. 1912)

Came from the Senate, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

REFERRED to the Committee on **TRANSPORTATION** in concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 358)

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

April 6, 2012

The Honorable Heather J.R. Priest

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Priest:

In reference to the action of the Senate on April 5, 2012 in which it Insisted and Joined a Committee of Conference on L.D. 771, "An Act To Establish the St. John Valley Regional Planning Commission" (H.P. 578) I am pleased to appoint the following as conferees on the part of the Senate:

Senator Christopher W. Rector of Knox

Senator Thomas H. Martin of Kennebec

Senator Barry J. Hobbins of York

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

Sincerely,

S/Kevin L. Raye

President of the Senate

READ and ORDERED PLACED ON FILE.

CONSENT CALENDAR

First Day

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

(S.P. 667) (L.D. 1889) Bill "An Act To Amend the Liquor Laws of the State" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-532)**

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

There being no objection, the Senate Paper was **PASSED TO BE ENGROSSED as Amended** in concurrence.

SENATE PAPERS

Resolve, Authorizing the Executive Department To Facilitate the Closure of the Maine Energy Recovery Company Facility in

Biddeford by Negotiating the Transfer of the Juniper Ridge Landfill and Requiring Other Actions To Improve Recycling

(S.P. 683) (L.D. 1911)

Committee on **ENVIRONMENT AND NATURAL RESOURCES** suggested and ordered printed.

Came from the Senate, with the Resolve and accompanying papers **INDEFINITELY POSTPONED.**

The Resolve and all accompanying papers were **INDEFINITELY POSTPONED** in concurrence.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-518)** on Bill "An Act To Enhance Career and Technical Education"

(S.P. 650) (L.D. 1865)

Signed:

Senators:

LANGLEY of Hancock

MASON of Androscoggin

Representatives:

RICHARDSON of Carmel

EDGEComb of Caribou

JOHNSON of Greenville

LOVEJOY of Portland

MAKER of Calais

McCLELLAN of Raymond

McFADDEN of Dennysville

NELSON of Falmouth

RANKIN of Hiram

WAGNER of Lewiston

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-519)** on same Bill.

Signed:

Senator:

ALFOND of Cumberland

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (S-518)** 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-518) AND SENATE AMENDMENT "A" (S-530).**

READ.

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

The Bill was **READ ONCE.** **Committee Amendment "A" (S-518)** was **READ** by the Clerk.

Representative EDGEComb of Caribou **PRESENTED House Amendment "A" (H-896) to Committee Amendment "A" (S-518),** which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Edgecomb.

Representative **EDGEComb:** Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. For more than 100 years, it has been a tradition in Aroostook County to close schools for potato harvest and today that tradition is still included

in several of the schools and yet it is decreasing each year. But it was rare, from grade 1 to grade 12, for any of my classmates to not participate in the potato harvest. It was an enormous undertaking. Back in the late '40s, Maine reached its peak with over 400,000 acres of potatoes compared to 55,000 today, and it took almost everyone in Aroostook County to complete the harvest and there were on our farm, I remember from the Indian reservation in Old Town, members that came each year as well as a young boy riding in a flatbed farm truck that was covered with a canvas going into Canada and picking up as many as 35 workers to help with our potato harvest. If you were to ask almost any senior citizen or anyone who is over 50 years of age if they participated in that harvest, if they attended school in Aroostook County, most everyone would be able to tell you stories about their participation in the harvest. What this bill does, it allows schools, the school boards, to, in the amendment, for dissimilar days in their calendar, to allow them under extenuating circumstances to have a waiver for Aroostook County schools to have a calendar that is dissimilar for potato harvest. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Mapleton, Representative Willette.

Representative WILLETTE: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I stand in support of the pending amendment and I urge the rest of you to support it as well. This is a heritage issue for us as a state. You need to not look any further than the state flag to see that a farmer is a large portion of that. As the youngest member of the House, I had the pleasure of working the potato harvest and although potato harvest is slowly starting to go away, there is still well over 30 to 40 kids each year from Presque Isle High School, one high school alone, working the potato harvest, and the farmers depend on this. If we take this away from them, I'm not sure what the farmers are going to do and it's just slowly diluting the heritage of our great state. So I urge you to support this amendment. Thank you, Mr. Speaker.

Subsequently, **House Amendment "A" (H-896) to Committee Amendment "A" (S-518) was ADOPTED.**

Committee Amendment "A" (S-518) as Amended by House Amendment "A" (H-896) thereto was ADOPTED.

Senate Amendment "A" (S-530) 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-518) as Amended by House Amendment "A" (H-896) thereto and Senate Amendment "A" (S-530) in NON-CONCURRENCE** and sent for concurrence.

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Friday, April 6, 2012, 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 Provide Reimbursement for MaineCare Services Provided by Qualified, Unlicensed Professionals Who Are Supervised by Licensed Health Professionals (EMERGENCY)

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

TABLED - April 6, 2012 (Till Later Today) by Representative CURTIS of Madison.

PENDING - **PASSAGE TO BE ENACTED.**

Subsequently, on motion of Representative STRANG BURGESS of Cumberland, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

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

On motion of Representative FLOOD of Winthrop, the House adjourned at 4:20 p.m., until 10:00 a.m., Tuesday, April 10, 2012.