

# MAINE STATE LEGISLATURE

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

**Daily Edition**

**Second Regular Session**

January 4, 2012 – May 31, 2012

pages 1084 - 1604

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE  
SECOND REGULAR SESSION  
49th Legislative Day  
Friday, April 13, 2012

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

Prayer by the Honorable Russell J. Black, Wilton.  
Pledge of Allegiance.  
The Journal of yesterday was read and approved.

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**COMMUNICATIONS**

The Following Communication: (H.C. 360)

**STATE OF MAINE  
CLERK'S OFFICE  
2 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0002**

April 12, 2012

The Honorable Robert W. Nutting  
Speaker of the House  
2 State House Station  
Augusta, Maine 04333

Dear Speaker Nutting:

Pursuant to Joint Rule 310, the following Joint Standing Committee has voted unanimously to report the following bill out "Ought Not to Pass:"

Appropriations and Financial Affairs

L.D. 513 RESOLUTION, Proposing an Amendment to the Constitution of Maine To More Equitably Fund the Liabilities of the Maine Public Employees Retirement System

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

Sincerely,  
S/Heather J.R. Priest  
Clerk of House

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

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

**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

**Pursuant to Statute**

**Department of Health and Human Services**

Representative STRANG BURGESS for the **Department of Health and Human Services** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 32: Allowances for Waiver Services for Children with Intellectual Disabilities or Pervasive Developmental Disorders, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

(H.P. 1418) (L.D. 1914)

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

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

Sent for concurrence.

**Pursuant to Statute**

**Department of Health and Human Services**

Representative STRANG BURGESS for the **Department of Health and Human Services** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 50, Principles of Reimbursement for Intermediate Care Facilities for the Mentally Retarded (ICF-MR) Services, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

(H.P. 1419) (L.D. 1915)

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

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

Sent for concurrence.

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

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**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-494)** on Bill "An Act To Lower the Price of Electricity for Maine Consumers"

(S.P. 648) (L.D. 1863)

Signed:

Senators:

BARTLETT of Cumberland  
RECTOR of Knox

Representatives:

FITTS of Pittsfield  
BEAVERS of South Berwick  
CORNELL du HOUX of Brunswick  
DION of Portland  
HINCK of Portland  
LUCHINI of Ellsworth

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-495)** on same Bill.

Signed:

Senator:

THIBODEAU of Waldo

Representatives:

CRAY of Palmyra  
DUNPHY of Embden  
HAMPER of Oxford  
LIBBY of Waterboro

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-495) AS AMENDED BY SENATE AMENDMENT "B" (S-555)** thereto.

**READ.**

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

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

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

The **SPEAKER**: 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. 330**

**YEA** - Beaudoin, Beavers, Beck, Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Burns DC, Cain, Casavant, Chapman, Chipman, Clark H, Clarke, Crockett, Dill J, Driscoll, Duchesne, Eberle, Eves, Flemings, Gilbert, Goode, 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, Moulton, Nelson, O'Brien, Peoples, Priest, Rankin, Richardson D, Rochelo, Rotundo, Russell, Sanborn, Shaw, Stevens, Strang Burgess, Stuckey, Theriault, Tilton, Treat, Tuttle, Valentino, Wagner R, Webster, Welsh, Willette A.

**NAY** - Ayotte, Beaulieu, Bennett, Bickford, Black, Cebra, Chase, Clark T, Cotta, Crafts, Cray, Curtis, Damon, Davis, Dow, Dunphy, Edgecomb, Espling, Fitts, Fitzpatrick, Flood, Fossel, Foster, Gifford, Gillway, Guerin, Hamper, 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 W, Rioux, Rosen, Sanderson, Sarty, Sirocki, Timberlake, Turner, Volk, Wallace, Waterhouse, Weaver, Willette M, Winsor, Wood, Mr. Speaker.

**ABSENT** - Carey, Celli, Cornell du Houx, Cushing, Dion, Fredette, Kent, Peterson, Pilon.

Yes, 75; No, 66; Absent, 9; Vacant, 1; Excused, 0.

75 having voted in the affirmative and 66 voted in the negative, 1 vacancy with 9 being absent, and accordingly the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-494)** 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-494) in NON-CONCURRENCE** and sent for concurrence.

**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act To Protect Maine's Biomass and Forest Products Industries by Allowing Biomass Generators To Enter into Short-term Contracts"

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

Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY READ** and **ACCEPTED** in the House on March 27, 2012.

Came from the Senate with the Minority (5) **OUGHT TO PASS AS AMENDED** Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-809) AS AMENDED BY SENATE AMENDMENT "A" (S-539)** thereto in **NON-CONCURRENCE**.

Representative NUTTING of Oakland moved that the House **RECEDE AND CONCUR**.

Representative FITTS of Pittsfield **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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 Pittsfield, Representative Fitts.

Representative **FITTS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I introduced this bill on behalf of the biomass industry because of problems that they are having within the marketplace as it stands today, and this bill was worked very diligently by the Energy, Utilities and Technology Committee and no solution was arrived at that the industry felt would truly address their issue. So I moved the bill in committee Ought Not to Pass, which is exactly the posture that this body sent the bill out in previously. Now the other body, for all their good intentions, have tried to find a way to address this issue, but it has not been to the satisfaction or in any way, shape or form acceptable to the industry. So I equate this to the answer being back, thanks for your help but no thanks, and I think that's a reasonable posture to send this bill away, given that it was intended to help an industry and now the industry has said that the help that we are trying to give them isn't really what they're looking for. So I ask the body to oppose the Recede and Concur motion so that we may move to an alternative which would essentially put this bill to death. It's my bill. I put it in with an intention and it has not been met, so therefore I would request that you follow my light and oppose the Recede and Concur. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Embden, Representative Dunphy.

Representative **DUNPHY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The original bill on this was to add 2¢ a kilowatt to generation as a subsidy for biomass and I think the question, at least in my mind, is what are we trying to achieve? Are we looking at increasing the electrical rates of ratepayers in the State of Maine or are we looking at funding a very small select group of generators? From my perspective, the bill as it comes from the other body can achieve both of those. Essentially what we're doing with the other body's bill is allowing biomass generators to buy into the energy RECs and provide some supplemental income in the event that they're in financial trouble. It all goes through approval. It just makes sense to me that if we can keep the energy rates down and provide some relief, we should do it. The fact that the original bill isn't, the proponents aren't getting exactly what they want, it appears they don't want anything and it just doesn't feel right in my gut and it doesn't make sense to me. So I think we should Recede and Concur. We need to do the right thing and I think the other body has done it. Thank you, sir.

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

Representative **HINCK**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I cannot support the Recede and Concur. The bill that comes over from the other body, I agree with the House Chair of Energy, Utilities and Technology that it was well intentioned and this bill has been worked hard. The problem is it's an attempt to counteract what's going to happen in the marketplace. It's a market-distorting mechanism that's not going to work. As good as the intentions are it simply cannot work. I'd ask that we'd vote against the Recede and Concur.

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

Representative **LIBBY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I agree with this motion, the pending motion that is before us. When we look at it, there is a table there and there is a pie on that table and there is certain people sitting at that table, and this bill, if we go with the pending motion, will allow another person to sit at that table and have another slice of that pie. It doesn't increase that pie, it doesn't take away that pie. It just allows another person to have another slice of that pie. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Recede and Concur. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 331**

YEA - Ayotte, Beaulieu, Bennett, Black, Burns DC, Cebra, Chase, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dow, Dunphy, Edgecomb, Espling, Foster, Gifford, Gillway, Guerin, Hamper, 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 W, Rioux, Rosen, Sanderson, Sarty, Sirocki, Timberlake, Turner, Volk, Wallace, Waterhouse, Weaver, Winsor, Wood.

NAY - Beaudoin, Beavers, Beck, Beliveau, Berry, Bickford, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Casavant, Chapman, Chipman, Clark H, Clark T, Clarke, Dill J, Driscoll, Duchesne, Eberle, Eves, Fitts, Fitzpatrick, Flemings, Flood, Fossel, Gilbert, Goode, 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, Moulton, Nelson, O'Brien, Peoples, Priest, Rankin, Richardson D, Rochelo, Rotundo, Russell, Sanborn, Shaw, Stevens, Strang Burgess, Stuckey, Theriault, Tilton, Treat, Tuttle, Valentino, Wagner R, Webster, Welsh, Willette A, Willette M.

ABSENT - Celli, Cornell du Houx, Dion, Fredette, Kent, Peterson, Pilon, Mr. Speaker.

Yes, 61; No, 81; Absent, 8; Vacant, 1; Excused, 0.

61 having voted in the affirmative and 81 voted in the negative, 1 vacancy with 8 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, the House voted to **ADHERE**.

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

**SENATE PAPERS**

**Non-Concurrent Matter**

Joint Order Directing the Joint Standing Committee on Veterans and Legal Affairs To Report Out a Bill Permitting the Passamaquoddy Tribe To Operate a Slot Machine Facility

(H.P. 1416)

**READ** and **PASSED** in the House on April 12, 2012.

Came from the Senate **READ** and **FAILING** of **PASSAGE** in **NON-CONCURRENCE**.

Representative **NUTTING** of Oakland moved that the House **RECEDE AND CONCUR**.

Representative **CAREY** of Lewiston **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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 Lewiston, Representative Carey.

Representative **CAREY**: Mr. Speaker, we spent a lot of time on this yesterday morning...

The SPEAKER: Men and Women of the House...The Chair recognizes the Representative from Lewiston, Representative Carey.

Representative **CAREY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I needed to apologize to you first before I apologize to them for missing them as well. I had not intended to speak this long. This is what we spoke about yesterday. I would like to have the opportunity, even though it's as late in the session as it is, to look at language for this and then we can decide up or down whether or not we should take an action to have 100 slots in Calais this year. So I would just like the opportunity to look at the bill. Thank you, Mr. Speaker. Thank you, Men and Women of the House.

The SPEAKER: A roll call has been ordered. The pending question before the House is Recede and Concur. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 332**

YEA - Beaulieu, Bennett, Black, Burns DC, Cebra, Clark T, Crafts, Cray, Crockett, Curtis, Damon, Davis, Dunphy, Edgecomb, Espling, Fitzpatrick, Fossel, Foster, Gifford, Gillway, Goode, Guerin, Hamper, Harmon, Harvell, Hayes, Johnson D, Kaenrath, Knapp, Knight, Libby, Malaby, McClellan, McKane, Morissette, Morrison, Nass, Newendyke, Olsen, Plummer, Richardson D, Rioux, Rosen, Sirocki, Stevens, Strang Burgess, Timberlake, Valentino, Volk, Wallace, Waterhouse, Weaver, Welsh, Willette A, Willette M, Wood.

NAY - Ayotte, Beaudoin, Beavers, Beck, Beliveau, Berry, Bickford, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Casavant, Chapman, Chase, Chipman, Clark H, Clarke, Cotta, Dill J, Dow, Driscoll, Duchesne, Eberle, Eves, Fitts, Flemings, Flood, Gilbert, Graham, Hanley, Harlow, Haskell, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Johnson P, Keschl, Kruger, Kumiega, Lajoie, Long, Longstaff, Lovejoy, Luchini, MacDonald, Maker, Maloney, Martin, Mazurek, McCabe, McFadden, Monaghan-Derrig, Moulton, Nelson, O'Brien, O'Connor, Parker, Parry, Peoples, Picchiotti, Prescott, Priest, Rankin, Richardson W, Rochelo, Rotundo, Russell, Sanborn, Sanderson, Sarty, Shaw, Stuckey, Theriault, Tilton, Treat, Turner, Tuttle, Wagner R, Webster, Winsor.

ABSENT - Celli, Cornell du Houx, Cushing, Dion, Fredette, Kent, Peterson, Pilon, Mr. Speaker.

Yes, 56; No, 85; Absent, 9; Vacant, 1; Excused, 0.

56 having voted in the affirmative and 85 voted in the negative, 1 vacancy with 9 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, the House voted to **ADHERE**.

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

**REPORTS OF COMMITTEE**

**Divided Report**

Nine Members of the Committee on **TRANSPORTATION** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-551)** on Bill "An Act To Encourage Responsible Teen Driving"

(S.P. 684) (L.D. 1912)

Signed:

Senators:

COLLINS of York  
DIAMOND of Cumberland

Representatives:

CEBRA of Naples  
GILLWAY of Searsport  
MAZUREK of Rockland  
PARRY of Arundel  
PEOPLES of Westbrook  
RIOUX of Winterport  
ROSEN of Bucksport

Three Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (S-552)** on same Bill.

Signed:

Representatives:

HOGAN of Old Orchard Beach  
THERIAULT of Madawaska  
WILLETTE of Mapleton

One Member of the same Committee reports in Report "C" **Ought Not to Pass** on same Bill.

Signed:

Senator:

THOMAS of Somerset

Came from the Senate with Report "A" **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-551) AS AMENDED BY SENATE AMENDMENT "A" (S-557)** thereto.

**READ.**

Representative CEBRA of Naples moved that the House **ACCEPT** Report "A" **Ought to Pass as Amended**.

The **SPEAKER**: The Chair recognizes the Representative from Naples, Representative Cebra.

Representative **CEBRA**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to ask your support for the pending motion for several reasons. First, I'd like to tell you a little history about this bill. For the last few months the Secretary of State has been traveling around the State of Maine in his community meetings, meeting with people discussing a very serious problem we're facing in Maine today, a serious rise of young driver accidents and fatalities. I've been fortunate to attend a few meetings, listening to families affected by these tragedies, listening to the friends and schoolmates of young people who have died on our roads. There has been a consistent message and that is the imbalance between the seriousness of the offenses and the penalties currently in law. Young people who have attended these meetings have repeatedly stated that they believe that the current penalties are not severe enough to prevent the unwarranted behavior that is the underlying cause of the problem today, and they are crying out for us to toughen the laws because they know people who are still being unsafe out there. The proposed changes are strict, let there be no doubt. We are talking about penalties on new drivers who commit offenses, penalties on those who commit multiple offenses, serious offenses like criminal speeding 30 miles an hour over the limit, leaving the scene of an accident. There are quite a few on that list, as well as increased penalties on second and third offenses.

I want to tell you about one meeting in particular that took place in the Norway area a few weeks back. There were students from the local high school, teacher advisors, the Attorney General, the Deputy Secretary of State, representatives and someone from Senator Collins's office, and parents were there as well, as well as a parent of a local girl who was killed earlier this year in a vehicle with a driver who had recent previous offenses. They and the people who have attended meetings like this across the state all want the same thing. They want to help prevent other people from living through the tragedy that they are living through as a community. I have to tell you, as I sat across the room from a father whose daughter was recently killed, I knew the look of pain in this man's eye because I've seen that in my own mom's eye. We lost my brother who was in the same age group in an automobile accident, what we call distracted driving today, but in that time it was called inattentive driving. I know the struggle that these young people are facing at these meetings and I know what they're feeling, to try and make sense of a senseless tragedy, because I was in their shoes when I was their age and I know that we are responsible to do what we can to prevent as many of these kinds of tragedies in the future.

So do these kinds of changes make any difference? We need only look south a couple of hundred miles to Massachusetts. They were dealing with the same kind of spike in young auto fatalities that we are now and they made similar changes a couple of years back, similar to the ones we are proposing and the results were nothing short of stunning. They have had a 75 percent drop in young driver-related fatalities, a 75 percent drop. This bill is a late bill, I understand that. Some people would say we're rushing it. The Secretary of State's meetings have just recently concluded and the data and the information from these meetings has just this last few weeks been compiled.

Another part of this issue is being dealt with by the Secretary of State's office right now. That is an evaluation of the driver education model we use here in Maine, to add valuable information on this very subject and bring the education piece of this issue up-to-date because awareness and education are so vitally important in this area. We had a great public hearing. The room was full of people. Some of who had attended the Secretary's meetings came to our public hearing. We had a district attorney, the State Police, the AAA, the parents of children recently lost, young high school students as well as health care professionals. We had a fantastic work session with great input and discussion that lasted over four hours.

This amended bill comes from the other body with a compromise amendment that has made it better, giving people an opportunity to request a hearing for a work license where allowed in law. A community service piece was added and I believe the amended bill, as it comes from the other body, still does what is needed to be done and that is to send a message that we are serious as a state about making our laws tough when it comes to our kids' lives. I don't know if everyone is aware, we've lost 19 young people here in Maine since Christmas, one just this week in the Rockland area while we were working this bill. We don't have the luxury to wait until maybe next year sometime to make these changes. We need to make these changes now. I believe some of our kids' lives depend on it and I urge you to support the pending motion. I thank you, Mr. Speaker, and I request when the vote is taken that it be by the yeas and nays.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass as Amended**.

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 Whiting, Representative Burns.

Representative **BURNS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want to briefly speak in support of this bill. I think it's an extremely important bill. I think this is the type of bill that we need to be dealing with here in this Legislature. It's something that we can have an incredible impact on in the lives of our children. As you all know, this is the field that I work in, in law enforcement. Police only have the laws that we give them to work with. This is a desperate situation. Everybody who reads a paper or everybody that's been impacted by these tragic deaths knows that we are in a desperate situation. This is an opportunity that we have to impact that situation. I believe that this will save lives. It will save a lot of lives. For anybody who thinks that this might be too extreme or that I don't understand the implications here, I have seven grandchildren, four of whom are entering the driving world, so I certainly do understand the implications. I know how serious an impact this will have on kids, both positive and negative. But I think it's worthwhile, it's something we need to do. The time is now. The only thing that I regret is that we can't make this an emergency so it will be in place before graduation season. Please support this bill. Thank you, Mr. Speaker.

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

Representative **HASKELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I do know that this bill has come in at a late hour and I commend the members of the Transportation Committee for the work that they did on it. It certainly is an area that needs to significantly be studied, looked at and some changes made. But I have some concerns about some specific areas of this bill and I'd like to express those. I think this is the kind of thing that, given time, we may be able to work out. One of the issues is the matter of fines that we just talked about. In the Committee on Criminal Justice and Public Safety, the Commissioner of the Department of Public Safety has reported to us on a couple of different times that it's his belief that the number of fines that have been imposed by officers writing tickets has been dropping. We know it's been dropping, the information tells us that. He believes that's because as the fines get larger, officers who are pulling people over, who know them in their communities and know that those families are struggling, are reticent to impose tickets or to pass tickets out to folks when the fines are so high. Now we don't have the data to back that up and as I've said in committee more than once, the plural of anecdote is not data. Simply because there is a number of cases where that happens doesn't mean that it's necessarily true. But I also think that there are other places in this bill where there are concerns. One of my concerns is that this bill would allow the Department of Public Safety and the Bureau of State Police to disseminate the vehicle registration plate number contained in an accident report database that they have to a person, not limited but to a person, and I'm reading the text here, if that person provides the State Police an affidavit that they won't identify that or contact that person or disseminate that to another person. I think there is probably a good reason why attorneys who are working on these cases need to have immediate access to the plate numbers, but I have not heard a reason why people in general should be able to go and ask for their plate number and then only face a fine if they happen to disseminate that. It talks here about disseminating it to a person, but what if you post it on Facebook or what if you put a sign up in your front yard "Look out for license plate number QR72"? I'm sorry if that's anybody's license plate. But I think that that's a concern and that we ought

to be limiting the people to whom that kind of information can be disseminated.

And the last and most concerning piece about this is the fact that the Secretary of State can provide a hearing on suspension as soon as practicable and for good cause may continue, modify or rescind the suspension, but an individual who has not yet attained the age of 18 does not have a right to a hearing. I think that's a due process problem for juveniles. I don't understand why they don't have a right to a hearing the way anybody else does. So while I agree that something needs to be done, I don't believe that this bill is what needs to be done. Thank you.

The SPEAKER: The Chair recognizes the Representative from Sabattus, Representative Wood.

Representative **WOOD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Let me first start by saying I feel sorry for any parent that loses a child. That should never happen. But I also feel that – well, actually, my grandfather was a House Representative back in the late '50s, early '60s, and he used to tell me that you cannot legislate stupidity or stupid acts. These kids are going to do stupid things and you're not going to change that. I feel that these fines are way too high for these kids. We want these kids to be in jobs and if they don't have a driver's license, they can't get back and forth to their jobs. You may not believe it, but I was one of those kids that pushed that envelope and I couldn't afford to pay some of these fines and I know my son couldn't back when he was younger either. That's why I'm opposing this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Hogan.

Representative **HOGAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion and I do so for a variety of reasons. Number one, foremost in my mind is that we did not have the opportunity to go over this bill in a normal manner. It showed up on our desks one day, that same afternoon we were deciding that vote. We should understand, I'm sure you do, that this is a very, very significant bill that is going to impact not only young people but their parents as well. Let me, for example, paint a little picture. Just for example, if a child, well an intermediate license person, 15 to 18, comes to a stop sign, doesn't completely stop, as many adults do as we know, and he gets ticketed, he gets fined a very substantial fine, three to four times as much as it is today. He gets a suspension of his license which goes much further than it is now. He also will have an increase in his premiums as we know. If he works in rural Maine where they have no public transportation, no way to use a bus to get to work, he's going to keep on driving more than likely. So what are we doing? We're creating more criminals. I totally disagree with the way this bill came to us and I certainly disagree with the amount of increase in fines and extensions of the suspensions of their licenses. It's too much of an impact on a young person and their families.

Lastly, who is to say that this is the right direction to go? We never had a chance to totally discuss this. We had a discussion in our caucus this morning which was three to four times as much, as lengthy, good questions as we did in committee. I'm in hopes that this bill will be defeated and come up again next year and properly vetted before the Transportation Committee. This is wrong. Thank you very much.

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

Representative **THERIAULT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I, too, am a Transportation Committee member as everyone knows and I was

there when the testimony that was very emotional was given to us and I feel that. As it is today I've been working to try to get an amendment in to this bill. The other body has changed their part of it, so now I've just been down to the Revisor's office working on this. This morning we were told by the Secretary of State that the reinstatement fee for a major offense would be \$200. It still states \$250 on the bill that comes from the other body so I'm confused. I'm trying to make heads or tails out of this thing and as it is now, I have to vote against it. We were not given enough time to work this bill. Yes, we were in for four hours, but it is a major issue in my book. Thank you.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. So there is a couple of elevators in this building and one in particular seems to be out of order on a regular basis and when it is in order, when you step into it, it often sinks really quickly which sort of gives me the jitters. But the interesting thing about that elevator is that it knocks me off right at the House Democratic office and it stops off right next to my committee. So every time I step into that elevator I wonder two things. One, am I going to get trapped in it – and for the record, there is one thing in this world that I am afraid of and being trapped in an elevator is it – or two, that that elevator is going to plummet at great length and great speed, which many people may think is fun, a good ride. I disagree. Nonetheless, I continue to get into that elevator because it is so convenient, because it's just right there and I wonder if we added extensive fines to riding that elevator, if we pick the wrong floor we're going to get \$200, if we would still continue to ride that elevator. For me, the fear of death, getting into that elevator, is not nearly enough to prevent me from getting into it and the challenge I have with this bill as written is that I don't necessarily believe that adding fines or adding fees of any kind that are particularly high for someone who may not be able to afford it. Not all of us have parents that can just write a check and have it go away, especially in Maine. I don't necessarily believe that that's going to change the outcomes that we're looking for. Nobody in this chamber, I believe, wants to see any more deaths by automobiles, particularly of our young people. I'm sure there are many folks in this chamber who can remember being in high school and either knowing someone that died in an accident or knowing someone that got into a serious accident.

You know, when I went through driver's ed way back when, this was before seatbelts were mandatory, I hated seatbelts, didn't want to touch them. I thought it was the government intruding on me. So I had that option being 17 years old to not wear those seatbelts. But then I watched a video that demonstrated just how important seatbelts were. It was a very violent video showing in great detail the death and gore that comes out of accidents. I started wearing my seatbelt after that and you cannot sit in any seat in my car and not wear a seatbelt. There was nothing that the government could ever do to tell me that I should wear that seatbelt. However, seeing the outcomes, seeing the aftermath, that was enough to reset my head and to be able to start taking responsibility for that. I don't believe that adding fees is going to change anything.

If we're going to do this, and I do think we need to act to make sure that we have more responsible teen driving, I think there are some better ways to do it. One was suggested to me earlier today by Coach, the good Representative from Rockland, who has suggested that we have more hours on the road so that you get more time to actually demonstrate and learn what it feels like to be behind the wheel. And I would pause at one more and that is we as legislators have the opportunity to drive around with

police officers, if we take the opportunity. Perhaps we make a requirement that young people either drive around with the police officer for a few hours or drive around in an ambulance or with a fireman, because I think more than anything, more than any fine, any fee, any government telling you what to do that as a teen seeing very visually the impact of a car accident, that is going to sear that image into your brain faster.

The former Representative from Eddington, Representative Pratt, if you've ever had an opportunity to drive with him, don't. He drives about 5 miles an hour. My grandmother drove faster than he did and I would argue that the reason he did that was because he was an EMT. He knew firsthand the impact that serious accidents had and I think that the only way we're going to get through to our young people and maybe even to ourselves, because let's be honest, we're the ones that passed the law to stop texting and I'm sure that there are some members in this chamber who may or may not be responsible for texting while driving or perhaps even talking on the phone while driving. The only way that anyone is really going to understand and particularly young people who feel invincible, that the only way that we're going to get through to them is for them to understand the serious consequences, and until that elevator does something really drastic, I guarantee you that every member of this chamber or most members of this chamber are probably going to continue to get onto it, even when we're not entirely sure it's fixed. So let's revisit this in the coming session, let's really explore all options and not just a punishment option but maybe a consequence option, because not all consequences need to be punishment. Sometimes we need to let people know and understand the consequences that other people's actions had on them before we can truly understand how those same consequences could end up being a punishment for us. Thank you, ladies and gentlemen. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Mazurek.

Representative **MAZUREK**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a very tough bill for a lot of people. I know for myself I've thought about it and it's difficult because what we're doing here is we're talking about when people can drive and what the responsibilities are. One of the things that we talk about is licensing and driving is actually a privilege, and when we give a young person a license, we assume that they're assuming a sense and assumption of responsibility, and when that responsibility is not lived up to then we have to do something about it. In this case, we're talking about the fines and the suspensions in your motor vehicle, and rightly so they should be hard because a mistake behind the wheel of an automobile often is deadly. We're talking about a 3,000 pound missile in the hands of a sometimes very immature person. Can we legislate maturity? I doubt that. So we're trying to legislate something that's very difficult for us to get our hands around.

Making it more difficult in the fines, I don't believe that's really an answer. I think that most kids can wrangle the money out of their parents or wrangle the money somehow, so whether we talk a \$200 fine or a \$400 fine, I don't think that's a big roadblock. But I do think in dealing with kids and students, if you take their license away, if you deny them the right to drive, just stop and think when you were 15 or 14 1/2 or 15 1/2 and you were approaching the magical time when you were going to get your license, and think what that meant to you. The freedom to get away from your parents, to go out with your friends. You were free. You were a mature person in your mind. Well, if you take that away from you, you say "You screwed up. You're not going to drive for 60 days now or 90 days," you know, how many times?



You know, we'll give them one shot at it. You make a mistake, everybody makes a mistake. But the second, third time, I think the penalties have to be stiff enough where we really make them stop and think about it.

So I realize that some of us or some people are going to have a hard time with this particular bill. I know that I feel that, yeah, maybe it is late in the session. I don't think we could debate it much more than we did, much more study could be done. I don't know what else to say. You've got to make a choice, whether it's we talk about it for six weeks or we talk about it for three days, it's a tough decision, and I think each person has to look at this and say "What do they want to do? Do I want to try to save lives and injuries or do we want to go along?" So that's a personal vote and everybody has a right to their own thoughts on this, but I just feel that we had to try to do something to help our young people. And again, it's a tough decision. Thank you, Mr. Speaker.

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

Representative **CLARKE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this bill for a number of reasons; however, I agree with many of my colleagues here in regards to their comments. As a firefighter and paramedic with almost 25 years on the streets here in Maine, I can tell you I've been through my share of accidents where there has been serious injury, no injury and many fatalities. Choices and circumstances surrounding these accidents have always played a major role and for our young, the responsibility component has always been very strong.

I've had an opportunity to present what I call "The Rescuer's Perspective Curriculum" at a number of driver's ed classes in the local area in Bath. The instructors have always come back to me with comments about how much of an impact I have had and other firefighters have had talking with students about our experiences on the street, from somewhat graphic photography and photos to the basics of what the jaws of life do and what paramedics and EMTs on the streets of Maine do. We have made an impact on a number of these students. Deterrents such as higher fees are going to have an impact on families, especially the families where the single mom or the single dad are putting in a lot of hours and now they're going to have to pay a higher cost to potentially get their children back on the street. That also may be working as well. I just feel that these deterrents are a little bit too high.

Education and awareness, which has been brought up a number of times in the comments, I agree with one hundred percent. There's got to be a way that the awareness and the education can be increased and I applaud the Secretary of State's office for evaluating the current curriculum in driver's ed. These are all emotional hearings when we have people attend our committees and on Criminal Justice and Public Safety we have those emotional hearings as well. But as my colleague has said from the other side, we cannot legislate common sense. The best we can do is maybe legislate some good educational guidelines and to assist the Secretary of State in evaluating the current law and the current educational curriculums that are out there. Thank you, Mr. Speaker, for your time. Ladies and Gentlemen of the House, thank you.

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

Representative **LIBBY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I do rise in opposition to the pending motion. I do agree with some items of the bill, but when looking at it there is items that I don't agree with. We look at unfortunately these fatalities and a lot are alcohol related and there's already many penalties and fines and

laws against that, so I question whether or not adding more is going to solve the problem that we have in front of us. I question whether taxation by citation is the method that we should go and that's why I oppose this bill. Thank you.

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

Representative **BRYANT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in opposition to the pending motion. I feel that one size doesn't fit all and I think the penalties here are too high and I think we tie the hands of the judicial system on our youth. There is a lot of different reasons for infractions and putting it so high for everybody, it hinders that development that we need. So I urge you to vote no. I think the sentencing of mandatory fines for our youth is not the way to go.

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 rise in support of the current motion. While I do agree that the fines may be excessive, I would like to remind everybody that if we study this issue next year and see that they are too high, we can certainly revise them at this time. This is clearly not a partisan issue. We're getting floor speeches in both directions from both sides of the aisle, so it's certainly something that we could work on in the future.

Just a quick personal story, although I will not admit that this story is about myself, this person that I know received a speeding ticket and paid the ticket and everything was hunky dory. Then this same person received a moving violation citation, and just shortly after that, the same person got a letter from the Secretary of State saying that if you have one more moving violation, you will have your license suspended. Subsequently, this particular person paid much more attention to his driving habits and has since been a much better driver. So it just goes to show you that I believe that the threat of suspension is a useful tool, especially with our children, because it certainly did work with that particular person that I was talking about. Thank you very much, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Naples, Representative Cebra.

Representative **CEBRA**: Thank you, Mr. Speaker. I apologize for rising a second time, but just a couple of brief comments. The comments that would relate to legislating stupidity or I'm not sure what the term was, but I suppose you would have to say that about any fine, automobile violation. I think what needs to be done is I think the penalty needs to meet the severity of the incidence. I would also just like to briefly say that I hope that the body puts it in a sufficient position so that we could explain Senate Amendment "A." Thank you.

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

Representative **DAVIS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House of Representatives. I've gone back and forth with this bill in my mind an awful lot. Most of you know that I spent the bulk of my life in law enforcement. I was a state policeman for 23 years. I have patrolled a lot of rural roads. I was a town policeman and I have been the county sheriff official. During the years that I was a policeman, I used to have a little bit different policy than what some did. When I stopped a young person at night and they were going too fast and I gave them a ticket, I'd tell them that tomorrow I expected to get a call from their father. Now if you can imagine going home and telling your father to call the state trooper, what do you suppose your father is going to say? I suppose he's going to ask you "Why?" I think he probably would. I also did a lot of other things. I used to give kids a choice. They

could go to court or during their April vacation they could spend it at the high school cleaning up the gym and washing windows and that type of thing, and all of that seemed to work pretty well. I wasn't going to vote for this bill because I thought it was a bit harsh, but the bill gives a young person, it leaves the law in place just as it is now for the first offense. After that, the more harsher penalties come in.

I told a story the other day in the House office about a long time ago a little girl dying at my feet. I'm sure no one has done this here, perhaps one or two of us have, but there is no greater task than to go tell parents their children are dead. There is no greater task. There is no harder task. I've changed my mind. I'm going to vote for the bill, I'm going to support it. I've sat here this morning thinking about over the years the different things that I did and the different tragedies that I went to and if this bill will prevent a tragedy, and in my thoughts is my little granddaughter Allison who just got her license, she's 17 years old. I would do most anything to not have something horrible happen to her and if losing her license for awhile would keep something horrible happening to her, that's well worth it to me. So that's where I'm at, Mr. Speaker. I'll be voting for this. Thank you.

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

Representative **PLUMMER**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I am aware of the seriousness of this bill, but I realize that there are three points I'd like to make. First, I realize that I am one of the members of the House who has not previously spoken on this bill. Secondly, I've waited for two years to rise and say I agree with everything Representative Libby said. Thirdly, it was a long time ago when I was a young driver, but I remember my fears and I did have a concern about being stopped by the police. But I had a much bigger concern about what would happen when I got home. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Walsh Innes.

Representative **WALSH INNES**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This issue is quite relevant for me. My 15-year-old driver is driving with her instructor right now and just got picked up. She just finished driver's ed last night. I have real concerns about her ability to know everything she needs to know when she's out driving and to know what can happen.

I also know someone like Representative Shaw, myself, who had several tickets for speeding when I was 17 or 18 and the fines and the incredibly high insurance costs were a huge detriment for me and they took my foot off the pedal for the last 20 years. So it really is a factor. I was a working teenager so I paid those fines and those fees myself. I would have a little bit of concern how that would affect a family that didn't have the funds to do that, so I hope that that can be a discussion point. I also would hope that this information is shared with the children in the class as well as any other opportunity, because I think that any detriment that they are aware of and the penalties, it's very important for them to help monitor how they're going to perform in the car. So I am supporting this motion today. Thank you, Mr. Speaker.

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

Representative **NASS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I've been writing notes here and I tend to do that so that I wouldn't be another minute on the floor that you had to listen to or keep busy doing something else. But the pounding in my head and in my heart is just too much right now. The loss of a child is the worst thing that

can happen. You need to think that if we save one child with this bill, that we have done our job. Some of us feel that we live in Lake Wobegon, that our children are so perfect. Well, let me tell you why. After 30 years of teaching and raising two children, I know that when you say "My child will never...", they are either thinking about it, they've done it or they're going to do it right that minute because they aren't perfect, they're children. What we really need here, when I hear the consequences, oh it's going to cost a poor family too much, so is a funeral. Those children need parenting. We need to face those consequences and say this is what's going to happen if you can't follow these rules.

My mother was a widow. We didn't have enough to pay fines. There were things that we were told you don't do that because there are consequences, and that's life. I had a step-cousin who did not have the good sense. He road around in his convertible and there was eight people in the car and he let off the girls and the guys were out there having a few beers and driving like bats out of heaven. Let me tell you, he went through a red light. Three boys were killed. He broke his arms, he broke his legs. The consequences of his mother who said he didn't do any wrong ever, she lost her house. They had the guilt of that. He's never been the same. If we can save one child with this bill, I hope we all consider voting for it. 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 appreciate the privilege of being able to speak one more time on this. I don't like speaking at all and I certainly don't like having to rise twice. I just feel that this is such an important issue, I need to speak again on it. I am happy about a couple of things. I am happy that the Representative from Sangerville and myself are on the same side of this issue, having spent many years dealing with these issues and he's absolutely right in everything that he said. I'm happy to hear the personal experience from the Representative from Standish mentions because it drives home the point that deterrence does make a difference. It makes a difference in the minds of you and I as adults. It makes a difference in the minds of young people who are just coming into young adulthood. I don't see this as a punishment. I see it as a deterrent and it's an important deterrent and I think it is going to be a deterrent that is going to work. I can't imagine the alternatives.

I wish that you would think about, before you push the button, would think about any one of the moms or dads in the last few years who have had to lose a teenage child because of one of these violations. Any one of those moms and dads could be right here in one of our seats making these same arguments, listening to the same arguments and we've heard some very good arguments today and I think we've heard a lot of practical solutions that may come in the future. But any one of those moms and dads have had the opportunity right now to push one of these buttons, what do you think they'd push if they thought it was going to save another teenager's life? We can look at this next session and I think we ought to look at it next session, and if statistics we have heard are accurate, we're going to see a remarkable decrease as a result of some of these very serious implications on teenagers violating the law. We're going to see that there were lives saved. That makes it worth everything. If we find otherwise, we have lost some inconvenience for some young people and we have lost some fine money probably for some parents, but we can reevaluate. But the alternative, to me, is not acceptable. This is going to cause some young people to think because they want to keep their license, and, frankly, I think it's going to cause some parents to think about it a little more carefully because it's going to cost them some money and out of

their pocket. So maybe if we can get a little collaboration, at 5 o'clock in the afternoon before they hit the road with a car, maybe they will think twice before they do what turns out to be fatal. Thank you, Mr. Speaker. I won't speak again.

The SPEAKER: The Chair recognizes the Representative from Easton, Representative Clark.

Representative **CLARK**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this motion. There is a lot about this bill that I like. I like the fact that we're making children have to have longer in driver's ed. I like longer permits, going after it that way and I especially like how it attacks the people who are driving 30 miles an hour, the criminal speeders. Those are the people that are causing these accidents, those are the people that we need to go after. The problem I have is the person who has two offenses, any moving violation; Representative Shaw mentioned how somebody he knew had a speeding ticket and a moving violation. It could have been rolling through a stop sign or turning left at a blinker or not putting your blinker on when you are turning. You're going from 60 days of losing your license to six months for two violations. It's too extreme for me. It's too much.

In rural Maine if you lose your license, it's not just your job, you can't do anything. We're miles away from the store. If you have a child when you're 18, even if you can go to work, if your baby needs diapers you can't go to the store even with a worker's permit. There are people living in poverty up in my area that depend on their teenager going and working at McDonald's and if they lose their license because they didn't put their blinker on or they didn't stop completely at a stop sign, that completely alters their life. It's not just the \$200 that they're going to pay; it's the six months of lost work. The third violation is an entire year, 90 days to an entire year. It's too much.

I absolutely agree with the extreme violations. We should go after them. But for someone to roll through a stop sign and lose their ability to work, lose their ability to participate in society, I mean there is no public transportation in Aroostook County. It completely alters lives. I'm compelled by these emotional stories, but the practical matter is there is a lot of people that don't drive recklessly, that don't drink, that might lose their license for a long amount of time which will seriously alter their lives. We're going after a large group trying to isolate a couple of people that make the mistake and it's going too far, too fast, and I can't support the motion. Thank you.

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

Representative **BRIGGS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I feel compelled as well to rise and speak very briefly on this bill. For me, last August, I lost a great-niece who was 21 years old with the same kind of circumstances. You know, if this law would just challenge the youth today to think twice about the decisions and the choices that they're making at that moment, to make healthier choices, I feel if this is going to save one life, it's so worth it. It is so worth it. Thank you, Mr. Speaker.

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

Representative **SARTY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I was trying to think about an event that happened to me as everyone was talking and it ended up being many years ago, in fact 40 plus years ago, that I was sitting right up there as a young state trooper when the State Legislature was debating lowering the drinking age to 18. There were several of us up there because our view was this was bad legislation.

We've heard a comment made here you can't legislate stupid but you can make stupid legislation. This bill is not stupid legislation. Having a driver's license is not a work permit, it is not a right of passage. It is a privilege that we entrust to young people hoping they have the maturity to adhere to the rules and the laws and cannot be a threat to themselves or other people on the highway. Nineteen deaths in this state since December. I wonder how we would all feel if all 19 were laid out right here? We can't allow this to happen. I'm not saying fines work in every case, but maybe this will not only send a message to young people but it might send a message to their parents as well, because it takes both working together to try to make young people drive as safely and responsibly as possible.

What we've done up to this point obviously isn't working. Two years after, sitting in the balcony and adding the number of body bags, because we didn't have rescue units back when I was a young state trooper, the state troopers gave the first aid, the state troopers called the funeral home and said "Come with a white wagon or the black one" and sometimes they had to come with both. That was bad law. You have a chance today to pass a good law and I'd request that you do so.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Mazurek.

Representative **MAZUREK**: Thank you, Mr. Speaker. Just to answer or clarify a point, this bill applies to major violations, not minor. So it only applies to a major moving violation. Thank you.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Parry.

Representative **PARRY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As a member of the Transportation Committee I was for the original bill. I think we need to have tough, tough penalties for these young kids who have had their license for six months, nine months, a year, a year and a half. They need to know there is big penalties if they break the law, and I do understand with the amendment that the first time we leave it exactly how we are now, they get a mulligan. But rule number one when you get a mulligan is you don't use it. You have that in case you make a mistake, in case you roll through a stop sign, in case you forget to turn your blinker on. It's easy to use those examples, but it also would be the same if you're only looking at criminal speeding that the one, two or three violations could have been 28 miles over the speed limit. You know, it's easy to pick out ones that don't seem to be a big deal and they should be able to get away with it, but I think since, I believe it's since Christmas, we've had 19 kids get killed, and we have to send a message to these young children that there is significant penalties if you break these rules inside this two-year period. We've got to get the word out to them. If it's 30 days, they don't have their car for 30 days, they don't get to run back and forth to their friends. If they know after that time it's six months, they may be really, really careful. But if you ratchet it back and it's only 30 days a second time or even 60 days a second time, they got away the first time, oh, that 30 days, it was not that much fun and, oh well, it's not a big deal. If that second time is 60 days, maybe they'll really think the next time they are texting, they are using their cell phone or they happen to get an older friend to get them a few beers. We need to try to save these children and Representative Nass was absolutely right. If this saves one child, it's worth it. Thank you, Mr. Speaker.

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

**ROLL CALL NO. 333**

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Bennett, Black, Briggs, Burns DC, Cain, Casavant, Cebra, Chase, Cotta, Crafts, Cray, Crockett, Curtis, Damon, Davis, Dow, Dunphy, Edgcomb, Espling, Fitts, Fitzpatrick, Flemings, Flood, Fossel, Foster, Gifford, Gillway, Graham, Hamper, Harlow, Harmon, Innes Walsh, Johnson D, Johnson P, Keschl, Knapp, Knight, Kumiega, Lajoie, Long, Maker, Malaby, Maloney, Mazurek, McClellan, McFadden, McKane, Monaghan-Derrig, Morissette, Moulton, Nass, Newendyke, O'Connor, Olsen, Parker, Parry, Peoples, Picchiotti, Richardson W, Rioux, Rosen, Sanderson, Sarty, Shaw, Sirocki, Strang Burgess, Tilton, Timberlake, Turner, Tuttle, Volk, Wallace, Weaver, Welsh, Willette A, Willette M, Winsor, Mr. Speaker.

NAY - Beck, Beliveau, Berry, Bickford, Blodgett, Boland, Bolduc, Bryant, Carey, Chapman, Chipman, Clark H, Clark T, Clarke, Dill J, Driscoll, Duchesne, Eberle, Eves, Gilbert, Goode, Guerin, Hanley, Harvell, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Kaenrath, Kruger, Libby, Longstaff, Lovejoy, Luchini, MacDonald, Martin, McCabe, Morrison, Nelson, O'Brien, Pilon, Plummer, Prescott, Priest, Rankin, Richardson D, Rochelo, Rotundo, Russell, Sanborn, Stevens, Stuckey, Theriault, Treat, Valentino, Wagner R, Waterhouse, Webster, Wood.

ABSENT - Celli, Cornell du Houx, Cushing, Dion, Fredette, Kent, Peterson.

Yes, 82; No, 61; Absent, 7; Vacant, 1; Excused, 0.

82 having voted in the affirmative and 61 voted in the negative, 1 vacancy with 7 being absent, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-551)** was **READ** by the Clerk.

**Senate Amendment "A" (S-557)** to **Committee Amendment "A" (S-551)** was **READ** by the Clerk and **ADOPTED**.

**Committee Amendment "A" (S-551)** as Amended by **Senate Amendment "A" (S-557)** 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" (S-551)** as Amended by **Senate Amendment "A" (S-557)** thereto in concurrence.

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

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The House recessed until the Sound of the Bell.

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(After Recess)

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The House was called to order by the Speaker.

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**ENACTORS**  
**Emergency Measure**

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

(H.P. 1405) (L.D. 1903)  
(H. "F" H-949 to C. "A" H-938)

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. 105 voted in favor of the same and 30 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**Emergency Measure**

Resolve, To Support the Development of a Model Charter for the St. John Valley Regional Planning Commission

(H.P. 578) (L.D. 771)  
(CC. "A" H-948)

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. 132 voted in favor of the same and 1 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

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**Acts**

An Act To Improve Environmental Oversight and Streamline Permitting for Metallic Mineral Mining in Maine

(H.P. 1371) (L.D. 1853)  
(C. "A" H-940)

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.

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**SENATE PAPERS**

**Non-Concurrent Matter**

An Act To Restore Maine's Secondary Roads

(S.P. 421) (L.D. 1367)  
(C. "A" S-452)

**PASSED TO BE ENACTED** in the House on March 27, 2012.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-452) AS AMENDED BY SENATE AMENDMENT "A" (S-561)** thereto in **NON-CONCURRENCE**.

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

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**ENACTORS**

**Emergency Measure**

An Act To Encourage Responsible Teen Driving

(S.P. 684) (L.D. 1912)  
(S. "A" S-557 to C. "A" S-551)

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

On motion of Representative CEBRA of Naples, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-551) as Amended by Senate Amendment "A" (S-557)** thereto.

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

"A" (S-551) as Amended by Senate Amendment "A" (S-557) thereto was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-953) to Committee Amendment "A" (S-551)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Naples, Representative Cebra.

Representative **CEBRA**: Thank you, Mr. Speaker. This House Amendment "A" merely strips the emergency enactor language off of what was already passed. Thank you.

Subsequently, **House Amendment "A" (H-953) to Committee Amendment "A" (S-551)** was **ADOPTED**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Senate Amendment "A" (S-557)** was **ADOPTED**.

On further motion of the same Representative, **Senate Amendment "A" (S-557) to Committee Amendment "A" (S-551)** was **INDEFINITELY POSTPONED**.

**Committee Amendment "A" (S-551) as Amended by House Amendment "A" (H-953)** thereto was **ADOPTED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-551) as Amended by House Amendment "A" (H-953)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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**Non-Concurrent Matter**

Bill "An Act To Establish a Competitive Bid Process for Future Casinos and Slot Machine Facilities"

(H.P. 1400) (L.D. 1897)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-919) AS AMENDED BY HOUSE AMENDMENT "B" (H-942)** thereto in the House on April 12, 2012.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-919) AS AMENDED BY HOUSE AMENDMENT "B" (H-942) AND SENATE AMENDMENT "A" (S-562)** thereto in **NON-CONCURRENCE**.

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

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

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The House recessed until the Sound of the Bell.

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(After Recess)

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The House was called to order by the Speaker.

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**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act To Lower the Price of Electricity for Maine Consumers"

(S.P. 648) (L.D. 1863)

Majority (8) **OUGHT TO PASS AS AMENDED** Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-494)** in the House on April 13, 2012.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (5) **OUGHT TO PASS AS AMENDED** Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-495) AS AMENDED BY SENATE AMENDMENT "B" (S-555)** thereto and **ASKED** for a Committee of Conference in **NON-CONCURRENCE**.

The House voted to **INSIST** and **JOIN** in a **COMMITTEE OF CONFERENCE**.

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**ENACTORS**

**Acts**

An Act To Restore Maine's Secondary Roads

(S.P. 421) (L.D. 1367)

(S. "A" S-561 to C. "A" S-452)

An Act Regarding the Issuance of Licenses by the Gambling Control Board and To Establish a Competitive Bidding Process for Future Operation of Slot Machines and Table Games in the State

(H.P. 1400) (L.D. 1897)

(H. "B" H-942 and S. "A" S-562 to C. "A" H-919)

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

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

An Act To Improve Environmental Oversight and Streamline Permitting for Metallic Mineral Mining in Maine

(H.P. 1371) (L.D. 1853)

(C. "A" H-940)

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

Subsequently, the Bill was **PASSED TO BE ENACTED**.

On motion of Representative HARLOW of Portland, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENACTED**.

Representative HARLOW of Portland **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

**ROLL CALL NO. 334**

**YEA** - Ayotte, Beaudoin, Beaulieu, Beck, Bennett, Bickford, Black, Bolduc, Bryant, Burns DC, Cain, Carey, Cebra, Chase, Clark H, Clark T, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dill J, Dion, Dow, Duchesne, Edgcomb, Eves, Fitts, Fitzpatrick, Flood, Foster, Gifford, Graham, Guerin, Hamper, Hanley, Harmon, Harvell, Hayes, Hogan, Johnson P, Keschl, Knapp, Knight, Libby, Long, Martin, McClellan, McFadden, Morissette, Moulton, Newendyke, O'Connor, Parker, Parry, Picchiotti, Plummer, Prescott, Richardson W, Rioux, Rosen, Sarty, Shaw, Sirocki, Theriault, Tilton, Timberlake, Tuttle, Volk, Wallace, Waterhouse, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

**NAY** - Beavers, Beliveau, Berry, Blodgett, Boland, Briggs, Casavant, Chapman, Chipman, Clarke, Cotta, Dunphy, Eberle, Espling, Flemings, Fossel, Gilbert, Gillway, Goode, Harlow, Haskell, Herbig, Hinck, Hunt, Innes Walsh, Kaenrath, Kruger, Kumiega, Lajoie, Longstaff, Lovejoy, Luchini, MacDonald, Maker,

Maloney, Mazurek, McCabe, McKane, Monaghan-Derrig, Morrison, Nass, Nelson, O'Brien, Olsen, Peoples, Peterson, Pilon, Priest, Rankin, Richardson D, Rochelo, Rotundo, Russell, Sanborn, Sanderson, Stevens, Strang Burgess, Stuckey, Treat, Turner, Valentino, Wagner R, Weaver, Webster, Welsh.

ABSENT - Celli, Cornell du Houx, Driscoll, Fredette, Johnson D, Kent, Malaby.

Yes, 78; No, 65; Absent, 7; Vacant, 1; Excused, 0.

78 having voted in the affirmative and 65 voted in the negative, 1 vacancy with 7 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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### COMMUNICATIONS

The Following Communication: (H.C. 362)

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

April 13, 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 13, 2012 in which it Insisted and Asked to Join in a Committee of Conference on L.D. 1863, "An Act To Lower the Price of Electricity for Maine Consumers" (S.P. 648) I am pleased to appoint the following as conferees on the part of the Senate:

Senator Michael D. Thibodeau of Waldo

Senator Rodney L. Whittemore of Somerset

Senator Troy D. Jackson of Aroostook

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

Sincerely,

S/Kevin L. Raye

President of the Senate

**READ and ORDERED PLACED ON FILE.**

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Reference was made to Bill "An Act To Lower the Price of Electricity for Maine Consumers"

(S.P. 648) (L.D. 1863)

In reference to the action of the House on April 13, 2012 whereby it Insisted and Joined in a Committee of Conference, the Chair appointed the following members on the part of the House as Conferees:

Representative WILLETTE of Mapleton

Representative FITTS of Pittsfield

Representative MARTIN of Eagle Lake

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

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### ENACTORS

#### Acts

An Act To Encourage Responsible Teen Driving

(S.P. 684) (L.D. 1912)

(H. "A" H-953 to C. "A" S-551)

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

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

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED.**

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

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

### ROLL CALL NO. 335

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Bennett, Black, Briggs, Burns DC, Cain, Casavant, Cebra, Chase, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dow, Dunphy, Edgecomb, Esping, Fitts, Fitzpatrick, Flemings, Flood, Fossel, Foster, Gifford, Gillway, Graham, Hamper, Harlow, Harmon, Innes Walsh, Johnson P, Keschl, Knapp, Knight, Kumiega, Long, Maker, Maloney, McClellan, McFadden, McKane, Monaghan-Derrig, Morissette, Moulton, Nass, Newendyke, O'Connor, Olsen, Parker, Parry, Peoples, Peterson, Picchiotti, Prescott, Richardson W, Rioux, Rosen, Sanderson, Sarty, Shaw, Sirocki, Strang Burgess, Tilton, Timberlake, Turner, Tuttle, Volk, Wallace, Weaver, Welsh, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

NAY - Beck, Beliveau, Berry, Bickford, Blodgett, Boland, Bolduc, Bryant, Carey, Chapman, Chipman, Clark H, Clark T, Clarke, Dill J, Dion, Duchesne, Eberle, Eves, Gilbert, Goode, Guerin, Hanley, Harvell, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Kaenrath, Kruger, Lajoie, Libby, Longstaff, Lovejoy, Luchini, MacDonald, Martin, Mazurek, McCabe, Morrison, Nelson, O'Brien, Pilon, Plummer, Priest, Rankin, Richardson D, Rochelo, Rotundo, Russell, Sanborn, Stevens, Stuckey, Theriault, Treat, Valentino, Wagner R, Waterhouse, Webster.

ABSENT - Celli, Cornell du Houx, Driscoll, Fredette, Johnson D, Kent, Malaby.

Yes, 82; No, 61; Absent, 7; Vacant, 1; Excused, 0.

82 having voted in the affirmative and 61 voted in the negative, 1 vacancy with 7 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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### COMMUNICATIONS

The Following Communication: (S.C. 838)

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

April 13, 2012

The Honorable Heather J.R. Priest

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Priest:

Please be advised the Senate today insisted to its previous action whereby it Failed to Pass Joint Order, "Directing the Joint Standing Committee on Veterans and Legal Affairs To Report Out a Bill Permitting the Passamaquoddy Tribe To Operate a Slot Machine Facility" (H.P. 1416)

Sincerely,

S/Joseph G. Carleton, Jr.

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

**CONSENT CALENDAR**

**First Day**

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

(H.P. 1418) (L.D. 1914) Resolve, Regarding Legislative Review of Portions of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 32: Allowances for Waiver Services for Children with Intellectual Disabilities or Pervasive Developmental Disorders, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 1419) (L.D. 1915) Resolve, Regarding Legislative Review of Portions of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 50, Principles of Reimbursement for Intermediate Care Facilities for the Mentally Retarded (ICF-MR) Services, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-955)**

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

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

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

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**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act To Review and Restructure the Workers' Compensation System"

(H.P. 1417) (L.D. 1913)

**PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-941)** in the House on April 12, 2012.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-941) AND SENATE AMENDMENT "D" (S-564)** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR. ORDERED SENT FORTHWITH**.

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**REPORTS OF COMMITTEE**

**Committee of Conference**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act To Lower the Price of Electricity for Maine Consumers"

(S.P. 648) (L.D. 1863)

has had the same under consideration, and asks leave to report:

That they are **UNABLE TO AGREE**.

Signed:

Senators:

THIBODEAU of Waldo

WHITTEMORE of Somerset

JACKSON of Aroostook

Representatives:

WILLETTE of Mapleton

FITTS of Pittsfield

MARTIN of Eagle Lake

Came from the Senate with the Committee of Conference Report **READ** and **ACCEPTED**.

The Committee of Conference Report was **READ** and **ACCEPTED**.

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**ENACTORS**

**Acts**

An Act To Review and Restructure the Workers' Compensation System

(H.P. 1417) (L.D. 1913)

(H. "A" H-941; S. "D" S-564)

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

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

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

Representative **MARTIN**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House. I feel compelled to speak briefly, even though it is midnight, on this piece of legislation. There are very few people in this Legislature or in this perhaps where we are listening tonight who remembers the shutdown of state government in the '90s. I served as Speaker during that time and the battle was over workers' compensation, when attempts were made and were successful in bringing the system to a halt and state government to a halt. For a number of days we were basically at a standstill and it's something that I have never forgotten. Today we are dealing with a piece of legislation that we are accepting. I suspect it is a piece of legislation that will create a battle for the future to come, something I would have hoped would not have happened. But when working men and women cannot be made part of a process, and insurance companies are made to be the benefactors, and self-insured then go on to keep more money in their pockets, eventually men and women of this state will rebel and we'll be faced again with another crisis as we had in the '90s. I feel bad about that, but it is a message which I leave to all of you if you choose to come back to the Legislature, that it's something that we will face again and that, to me, is very unfortunate.

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 After Midnight
 

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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. The hour is late and I've pondered a number of times of whether I was going to speak on this issue or not, but I do feel compelled. I know there has been with the amendments, we've tried to work out a compromise that would be acceptable to both parties, but I think unfortunately we've failed to do that. This bill will harm severely injured workers. This legislation drastically reduces the disability benefits available to severely injured workers. The bottom line is almost all workers most deserving of a long-term wage replacement protection would lose it under the proposal and will have nowhere to turn. This proposal punishes severely injured workers who go back to work but experience permanent wage loss from their injury. The Maine Workers' Compensation System is working presently on decreasing costs. There is no need to hurt injured workers. This proposal undermines the integrity of the workers' compensation system. Workers' compensation is vitally important. It saves tens and thousands of Maine people from poverty. This proposal is a windfall for the insurance industry that will harm injured workers and undermine the system as a whole. In my opinion, we can do much better. Thank you, Mr. Speaker.

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

Representative **CHIPMAN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, Colleagues and Friends. I have not spoken on any labor issues on the floor last year or this year, but I do rise in opposition to LD 1913, "An Act To Review and Restructure the Workers' Compensation System." According to the authors of this bill, the compromise reached to completely restructure our workers' compensation law in 1993 has been a disaster. I couldn't agree more. But LD 1913 addresses none of the real problems now present in the workers' compensation law; rather it robs injured workers of notice of their deadline to file a claim and it creates a windfall for insurance companies who now face reduced exposure after already collecting premiums from Maine businesses. Most importantly, the bill eliminates benefits for the most severely injured workers in the state. Under the current law, the 25 percent most disabled workers are entitled to receive benefits for the duration of their disability, while the other 75 percent are only entitled to benefits for the maximum of 520 weeks. As a result of the system that is currently in place, the Workers' Compensation Board issued as part of the February 2012 triagency report a statement that overall, despite resolutions in performance of high levels of efficiency, compliance with the Workers' Compensation Act is high, frequency of claims is down, compensation rates have dropped 56 percent since 1993 and MEMIC has recently declared a \$12 million dividend to Maine businesses, all which contribute to a workers' compensation system that is moving towards stabilization, yet at the public hearing we heard none. We heard the horror stories of injured workers and the price they have paid for this cost savings. These are the injured workers that have fallen through the cracks as Governor LePage's appointee, the executive director of the Workers' Compensation Board, termed it. Instead of recognizing the cost savings that have occurred since 1993 and passing a law that would repair the cracks injured are admittedly falling through, a select few in

the insurance company community have decided to dynamite those cracks into canyons. Now the most severely injured workers in Maine will have benefits arbitrarily stopped after 520 weeks unless they can meet a ridiculously multipart test that nobody would qualify for. You would have a better chance of winning the Mega Millions jackpot. Ladies and Gentlemen of the House, in order to qualify you have to have greater than 25 percent whole body impairment. Right now, 75 percent of permanent injuries that result in permanent impairment is less than 12 percent. As an example, in order to have 25 percent impairment or greater for the back injury using the preferred DRE method of AMA Guides, 4th edition, which is used to rate impairment, you need to have essentially a partial paralysis. For the handful of people in the entire state that would manage to meet this first requirement, there is more. Next, you have to actually be working and be doing so within two of your 520 weeks expiring. For those workers that are unable to find employment because of the severity of the injury, too bad. If you are able to somehow find a job with these severe limitations, you must then only earn less than 50 percent of what you were making 10 years earlier when you got hurt, without any adjustment for the inflation that has occurred during those 10 years. For example, if an injured worker is earning \$800 a week when they're injured, they would have to be earning less than \$400 a week 520 weeks after the injury without accounting for inflation. This is, of course, unreasonable because if wages only increase 3 percent per year, you would only have to earn the equivalent of \$295 a week or 37 percent of your current wages in order to qualify. Additionally, the eligibility must occur at 520 weeks. In other words, if the injury worsens, as often is the case, too bad because you do not meet the criteria at this time.

As if this were not enough, the bill also changes the current limits for filing a claim for workers' compensation benefits. As written now, if a worker suffers an injury that results in lost time, meaning these are not band-aid injuries, a Maine employer is obligated to file a form with the Workers' Compensation Board called "First Report of Injury" informing the board of the injury. This filing triggers a letter from the board to the worker telling the worker there are two years in which to file a claim for the benefits. As written now, if the worker does not lose time from work, the employer is not required to file that form. But the two-year time limit does not begin to run on the worker's claim. The Maine Supreme Court discussed this rule and noted the obvious policy advantage to keeping a worker's claim open until the worker receives notification of the time deadlines for pursuing that claim. Otherwise the legitimate claims of hardworking people will simply disappear without a worker ever knowing of the time limits. This is precisely what will happen under Section 6 of the current bill. After two years, a worker's claim is gone, whether or not the employer even told the board that the injury occurred and whether or not the worker even knew the two-year time limit had expired. If that was not troubling enough, this particular portion of the bill was not included in the draft that was presented by the Labor, Commerce, Research and Economic Development Committee. This section somehow snuck in between April 3rd of 2012 and today. The draft presented at the committee kept in the current language that extends the two-year claims period for injuries that cause lost time until an employer tells the board about it. On this change alone the current bill should not be passed, but this is only a small part of the problem in LD 1913.

In summary, this bill takes a system that is already cracked and makes it completely broken. There is no doubt that injured workers, their families and Mainers will suffer as a result, and for what, so that claims for insurance companies that are already down 56 percent can be cut more? This bill should not and can



not be passed. Thank you.

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

Representative **THERIAULT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will be short. I have to stand on this issue and tell you that I'm opposed to LD 1913. Having worked 40 years in the paper mill, having represented employees who were in situations that were not good, the bottom line in my book, this is a family issue and families are what we are supposed to be representing here. Thank you.

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

Representative **BRYANT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. We've gone over this many times. But basically for me it boils down to two basic things, one, a slap in the face of the injured workers when they are down and out, and a major windfall for the insurance companies. Please vote no.

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. 336**

YEA - Ayotte, Beaulieu, Bennett, Bickford, Black, Burns DC, Cebra, Chase, Clark T, Cotta, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dow, Dunphy, Edgcomb, Espling, Fitts, Fitzpatrick, Flood, Fossil, Foster, Gifford, Gillway, Guerin, Hamper, Harmon, Harvell, Johnson P, Keschl, Knapp, Libby, Long, Maker, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Nelson, Newendyke, O'Connor, Olsen, Parker, Parry, Picchiotti, Plummer, 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, Dill J, Dion, Duchesne, Eberle, Eves, Flemings, Gilbert, Goode, Graham, 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, O'Brien, Peoples, Peterson, Pilon, Priest, Rankin, Rochelo, Rotundo, Russell, Sanborn, Shaw, Stevens, Stuckey, Theriault, Treat, Tuttle, Valentino, Wagner R, Webster, Welsh.

ABSENT - Celli, Cornell du Houx, Crafts, Driscoll, Fredette, Johnson D, Kent, Knight, Malaby, Prescott.

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

71 having voted in the affirmative and 69 voted in the negative, 1 vacancy with 10 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

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**ENACTORS**  
**Emergency Measure**

Resolve, Regarding Legislative Review of Portions of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 32: Allowances for Waiver Services for Children with Intellectual Disabilities or Pervasive Developmental Disorders, a Major

Substantive Rule of the Department of Health and Human Services

(H.P. 1418) (L.D. 1914)

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. 135 voted in favor of the same and 1 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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**Emergency Measure**

Resolve, Regarding Legislative Review of Portions of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 50, Principles of Reimbursement for Intermediate Care Facilities for the Mentally Retarded (ICF-MR) Services, a Major Substantive Rule of the Department of Health and Human Services

(H.P. 1419) (L.D. 1915)

(C. "A" H-955)

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

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

Representative **WEBSTER**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Briefly, you will recall that recently we passed a piece of legislation that had to do with appropriate terminology, people first language. This section, Section 50, Principles of Reimbursement for Intermediate Care Facilities for the Mentally Retarded, had to be written in this manner because the Revisor's office had to use the language that existed currently. I would just simply like to read into the record that we expect that the department, in the process of rewriting these, will change the terminology so that it is more appropriate with the language that this Legislature has chosen to put into law. Thank you.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 132 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

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**SENATE PAPERS**

The following Joint Order: (S.P. 685)

**ORDERED**, the House concurring, that in accordance with emergency authority granted under the Maine Revised Statutes Annotated, Title 3, Section 2, the Second Regular Session of the 125th Legislature shall be extended for five legislative days.

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

**READ.**

Pursuant to 3 M.R.S.A., Section 2, this Joint Order required the affirmative vote of two-thirds of those present for passage. 102 having voted in the affirmative and 4 in the negative, 102 being more than two-thirds of the membership present, the Joint Order was **PASSED** in concurrence.

**SENATE PAPERS**

The following Joint Order: (S.P. 686)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, May 15, 2012 at 10:00 in the morning.

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

**READ** and **PASSED** in concurrence.

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

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On motion of Representative CUSHING of Hampden, the House adjourned at 1:15 a.m., until 10:00 a.m., Tuesday, May 15, 2012 pursuant to the Joint Order (S.P. 686).