

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
FIRST REGULAR SESSION
41st Legislative Day
Tuesday, May 10, 2011

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

Prayer by Reverend Phil Hubbard, Palermo Christian Church.
National Anthem by East End Community School Glee Club, Portland.

Pledge of Allegiance.

Doctor of the day, Nancy Cummings, M.D., Wilton.

The Journal of Thursday, May 5, 2011 was read and approved.

SENATE PAPERS
Non-Concurrent Matter

Resolve, Requiring the Department of Education To Amend Its Rules To Prohibit School Administrative Units from Imposing Unreasonable Restrictions That Impede the Ability of Parents and Evaluators To Observe Students

(H.P. 708) (L.D. 964)

PASSED TO BE ENGROSSED in the House on April 28, 2011.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-67) in NON-CONCURRENCE.**

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

COMMUNICATIONS

The Following Communication: (H.C. 155)

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

May 4, 2011

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

Dear Speaker Nutting:

This is to inform you that I am today nominating Chelsey Whynt of Cape Elizabeth for appointment to the State Board of Education.

Pursuant to Title 20-A, MRSA §401, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Paul R. LePage

Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 156)

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

May 9, 2011

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

Dear Speaker Nutting:

This is to inform you that I am today nominating Richard A. Cook of Hermon for reappointment to the Maine Milk Commission.

Pursuant to Title 7, MRSA §2952, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Agriculture, Conservation and Forestry.

Sincerely,

S/Paul R. LePage

Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 157)

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

May 9, 2011

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

Dear Speaker Nutting:

This is to inform you that I am today nominating Gary M. Koocher of Portland for appointment to the Workers' Compensation Board. Pursuant to Title 39-A, MRSA §151, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,

S/Paul R. LePage

Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 154)

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

May 10, 2011

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 Select Committee and Joint Standing Committees have voted unanimously to report the following bills out "Ought Not to Pass":

Agriculture, Conservation and Forestry

L.D. 16

An Act To Revise Notification Requirements for Pesticides Applications Using Aircraft or Air-carrier Equipment

Energy, Utilities and Technology

L.D. 502

An Act To Place a Moratorium on Expedited Permitting of Grid-scale Wind Energy Development (EMERGENCY)

L.D. 711

An Act To Regulate Noise from Wind Turbines in Residential Developments

L.D. 865

An Act To Require the Department of Environmental Protection To Enforce Standards for Smaller-scale Wind Energy Development in Organized Areas

LEGISLATIVE RECORD - HOUSE, May 10, 2011

L.D. 1035	Resolve, To Establish Baseline Information on Health Impacts from Grid-scale Wind Energy Development	L.D. 626	An Act To Allow Nonresidents Who Work in Maine To Purchase Hunting and Fishing Licenses at Resident Rates
L.D. 1042	An Act To Preserve and Protect Citizens' Property Rights and Values	L.D. 692	An Act To Reduce Nonresident Hunting and Fishing License Fees and To Add Archery Hunting to Combination Licenses
L.D. 1170	An Act To Establish a Code of Ethics for Individuals Involved in Grid-scale Wind Energy Development	L.D. 1080	An Act To Ban the Use of Traps and Dogs in Bear Hunting
L.D. 1234	An Act To Restore the Uniform Visual Permitting Standard for Wind Power Projects	L.D. 1121	An Act To Provide for Incentives and Repairs to Landowners in Connection with All-terrain Vehicle Access
L.D. 1236	An Act To Amend the Legislative Findings in the Maine Wind Energy Act		Labor, Commerce, Research and Economic Development
L.D. 1291	Resolve, To Promote Community Wind Energy Development	L.D. 1078	An Act To Amend the Audit and Enforcement Functions of the Workers' Compensation Board
L.D. 1362	An Act To Ensure Accurate Valuation of a Community Benefits Package for Communities That Host Wind Energy Developments	L.D. 1432	An Act To Expand Apprenticeship Programs and Scholarship Programs with Funding from Identification of Ineffective Economic Development Tax Incentives
L.D. 1382	An Act To Protect Homeowners Regarding Sewer Liens		Marine Resources
L.D. 1411	An Act To Facilitate Transparency and Accountability while Reducing Electricity Costs	L.D. 1508	An Act To Ensure Cultchless American Oyster Growers Licenses Are Issued by the Department of Marine Resources Only to Individuals Who Are Growers of American Oysters (EMERGENCY)
L.D. 1443	An Act To Improve the Permitting Process for Wind Energy Developments and To Protect Maine's Quality of Place		Regulatory Fairness and Reform
L.D. 1447	An Act To Create Jobs through the Establishment of the Renewable Energy Resources Feed-in Tariff Program	L.D. 160	Resolve, To Require the Department of Agriculture, Food and Rural Resources and the Department of Public Safety To Develop a Consolidated License for Convenience Stores
L.D. 1479	An Act To Minimize Conflicts between Property Owners and Grid-scale Wind Energy Developments	L.D. 730	An Act To Streamline the Issuance of State Business Licenses
L.D. 1527	An Act To Encourage the Creation of Jobs through Development of Maine's Solar Industry		State and Local Government
	Health and Human Services	L.D. 62	An Act Relating to the State Bid Process
L.D. 150	An Act To Require Drug Testing for Medicaid Recipients with Prescriptions for Scheduled Drugs	L.D. 153	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Reduction of the Size of the Legislature
L.D. 193	An Act To Require an Applicant for State Assistance To Show Proof of Legal Residence in the United States and Proof of Residency for at Least the Previous 90 Days in This State	L.D. 158	An Act To Improve Public Understanding in the Rulemaking of Certain Departments
L.D. 539	An Act To Build Accountability into the General Assistance Laws	L.D. 478	An Act To Strengthen Maine Small Business by Establishing a Preference Percentage for State Contract Bids
L.D. 605	An Act To Require Random Drug Testing for MaineCare Recipients	L.D. 587	An Act To Reduce the Cost of Delivering Certain State Services
L.D. 678	Resolve, To Improve Health Outcomes for MaineCare Members in Managed Care	L.D. 669	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Number of Members of the Legislature, the Length of Legislative Sessions and the Requirements for Introduction of Bills in a Second Regular Session
L.D. 918	An Act To Reduce the Cost of Mental Health Services in Maine	L.D. 780	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Limit the Number of Terms Served in Total
L.D. 920	An Act To Ensure the Availability of Preventive Health Care Services for Children	L.D. 942	An Act To Exempt Municipalities from Indemnification Provisions in State Contracts
L.D. 1122	An Act To Increase Dental Benefits and Oral Health Care	L.D. 953	An Act To Establish the Maine Science Advisory Board
L.D. 1131	An Act To Require Public Disclosure of Health Care Prices	L.D. 987	An Act Regarding the Sale of Surplus Land Owned by the Department of Transportation
L.D. 1270	Resolve, To Convene a Task Force To Study Staffing Ratios and Issues for Nursing Homes and Residential Care Facilities	L.D. 1389	An Act To Require Certain Costly Rules To Be Approved by the Legislature
L.D. 1294	An Act To Impose a 90-day Residency Requirement in Order To Receive State Assistance		Taxation
L.D. 1370	An Act To Amend the Laws Governing General Assistance Programs	L.D. 808	An Act Regarding Property Taxes in the Unorganized Territories
L.D. 1431	An Act To Establish Standards for the Administration of General Assistance Programs	L.D. 1341	An Act To Provide Rent Relief to Low-income Maine Residents
	Inland Fisheries and Wildlife		

- L.D. 1351 An Act To Improve and Simplify the Application for Benefits under the Circuitbreaker Program Veterans and Legal Affairs
- L.D. 798 An Act To Prohibit Nonresidents from Contributing to Maine Political Campaigns or Candidates
- L.D. 1037 An Act To Establish a Welcome Home Bonus for Veterans of the Campaigns in Iraq and Afghanistan
- L.D. 1141 An Act To Allow Direct Shipment of Beer and Wine by Retail Licensees
- L.D. 1339 An Act To Amend the Process for Appeals of Liquor Licensing Decisions

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

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

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Amend the Laws Governing the Replacement of Firearms Carried by Maine State Police"

(H.P. 1142) (L.D. 1556)

Sponsored by Representative BEAUDOIN of Biddeford.
Cosponsored by Representatives: BRIGGS of Mexico, CHASE of Wells.

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

Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

Sent for concurrence.

Bill "An Act To Eliminate the Waiting Period before Insurance Adjusters May Offer Adjustment Services"

(H.P. 1141) (L.D. 1555)

Sponsored by Representative HASKELL of Portland.
Cosponsored by Senator GERZOFKY of Cumberland and Representative: STRANG BURGESS of Cumberland, Senator: ALFOND of Cumberland.

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

Committee on **INSURANCE AND FINANCIAL SERVICES** suggested and ordered printed.

REFERRED to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.

Sent for concurrence.

Bill "An Act To Update Professional and Occupational Licensing Statutes"

(H.P. 1145) (L.D. 1560)

Sponsored by Representative PRESCOTT of Topsham.
Cosponsored by Senator RECTOR of Knox and Representatives: DRISCOLL of Westbrook, HUNT of Buxton.
Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** suggested and ordered printed.

REFERRED to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

Sent for concurrence.

Bill "An Act To Raise the Speed Limit on Interstate 95 between the City of Old Town and the Town of Houlton"

(H.P. 1143) (L.D. 1557)

Sponsored by Representative WILLETTE of Mapleton.
Cosponsored by Senator SHERMAN of Aroostook and Representatives: CLARK of Easton, EDGECOMB of Caribou, GIFFORD of Lincoln, LONG of Sherman, MARTIN of Eagle Lake, THERIAULT of Madawaska, WILLETTE of Presque Isle, Senator: JACKSON of Aroostook.

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

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

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

Sent for concurrence.

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

ORDERS

On motion of Representative FITTS of Pittsfield, the following Joint Resolution: (H.P. 1146) (Cosponsored by Representatives: AYOTTE of Caswell, BEAUDOIN of Biddeford, BEAULIEU of Auburn, BEAVERS of South Berwick, BECK of Waterville, BELIVEAU of Kittery, BENNETT of Kennebunk, BERRY of Bowdoinham, BICKFORD of Auburn, BLACK of Wilton, BLODGETT of Augusta, BOLAND of Sanford, BOLDUC of Auburn, BRIGGS of Mexico, BRYANT of Windham, BURNS of Whiting, BURNS of Alfred, CAIN of Orono, CAREY of Lewiston, CASAVANT of Biddeford, CEBRA of Naples, CELLI of Brewer, CHAPMAN of Brooksville, CHASE of Wells, CHIPMAN of Portland, CLARK of Millinocket, CLARK of Easton, CLARKE of Bath, CORNELL du HOUX of Brunswick, COTTA of China, CRAFTS of Lisbon, CRAY of Palmyra, CROCKETT of Bethel, CURTIS of Madison, CUSHING of Hampden, DAMON of Bangor, DAVIS of Sangerville, DILL of Cape Elizabeth, DILL of Old Town, DION of Portland, DOW of Waldoboro, DRISCOLL of Westbrook, DUCHESNE of Hudson, DUNPHY of Embden, EBERLE of South Portland, EDGECOMB of Caribou, ESPLING of New Gloucester, EVES of North Berwick, FITZPATRICK of Houlton, FLEMINGS of Bar Harbor, FLOOD of Winthrop, FOSSEL of Alna, FOSTER of Augusta, FREDETTE of Newport, GIFFORD of Lincoln, GILBERT of Jay, GILLWAY of Searsport, GOODE of Bangor, GRAHAM of North Yarmouth, GUERIN of Glenburn, HAMPER of Oxford, HANLEY of Gardiner, HARLOW of Portland, HARMON of Palermo, HARVELL of Farmington, HASKELL of Portland, HAYES of Buckfield, HERBIG of Belfast, HINCK of Portland, HOGAN of Old Orchard Beach, HUNT of Buxton, INNES of Yarmouth, JOHNSON of Eddington, JOHNSON of Greenville, KAENRATH of South Portland, KENT of Woolwich, KESCHL of Belgrade, KNAPP of Gorham, KNIGHT of Livermore Falls, KRUGER of Thomaston, KUMIEGA of Deer Isle, LAJOIE of Lewiston, LIBBY of Waterboro, LONG of Sherman, LONGSTAFF of Waterville, LOVEJOY of Portland, LUCHINI of Ellsworth, MacDONALD of Boothbay, MAKER of Calais, MALABY of Hancock, MALONEY of Augusta, MARTIN of Eagle Lake,

MAZUREK of Rockland, McCABE of Skowhegan, McCLELLAN of Raymond, McFADDEN of Dennysville, McKANE of Newcastle, MITCHELL of the Penobscot Nation, MORISSETTE of Winslow, MORRISON of South Portland, MOULTON of York, NASS of Acton, NELSON of Falmouth, NEWENDYKE of Litchfield, Speaker NUTTING of Oakland, O'BRIEN of Lincolnville, O'CONNOR of Berwick, OLSEN of Phippsburg, PARKER of Veazie, PARRY of Arundel, PEOPLES of Westbrook, PETERSON of Rumford, PICCHIOTTI of Fairfield, PILON of Saco, PLUMMER of Windham, PRESCOTT of Topsham, PRIEST of Brunswick, RANKIN of Hiram, RICHARDSON of Carmel, RICHARDSON of Warren, RIOUX of Winterport, ROCHELO of Biddeford, ROSEN of Bucksport, ROTUNDO of Lewiston, RUSSELL of Portland, SANBORN of Gorham, SANDERSON of Chelsea, SARTY of Denmark, SHAW of Standish, SIROCKI of Scarborough, SOCTOMAH of the Passamaquoddy Tribe, STEVENS of Bangor, STRANG BURGESS of Cumberland, STUCKEY of Portland, THERIAULT of Madawaska, TILTON of Harrington, TIMBERLAKE of Turner, TREAT of Hallowell, TURNER of Burlington, TUTTLE of Sanford, VALENTINO of Saco, VOLK of Scarborough, WAGNER of Lewiston, WATERHOUSE of Bridgton, WEAVER of York, WEBSTER of Freeport, WELSH of Rockport, WILLETTE of Mapleton, WILLETTE of Presque Isle, WINSOR of Norway, WINTLE of Garland, WOOD of Sabattus, Senators: ALFOND of Cumberland, BARTLETT of Cumberland, BRANNIGAN of Cumberland, COLLINS of York, COURTNEY of York, CRAVEN of Androscoggin, DIAMOND of Cumberland, FARNHAM of Penobscot, GERZOFKY of Cumberland, GOODALL of Sagadahoc, HASTINGS of Oxford, HILL of York, HOBBS of York, JACKSON of Aroostook, KATZ of Kennebec, LANGLEY of Hancock, MARTIN of Kennebec, MASON of Androscoggin, McCORMICK of Kennebec, PATRICK of Oxford, PLOWMAN of Penobscot, President RAYE of Washington, RECTOR of Knox, ROSEN of Hancock, SAVIELLO of Franklin, SCHNEIDER of Penobscot, SHERMAN of Aroostook, SNOWE-MELLO of Androscoggin, SULLIVAN of York, THIBODEAU of Waldo, THOMAS of Somerset, TRAHAN of Lincoln, WHITTEMORE of Somerset, WOODBURY of Cumberland)

**JOINT RESOLUTION RECOGNIZING MAY 2011 AS
LUPUS AWARENESS MONTH**

WHEREAS, systemic lupus erythematosus, commonly known as lupus, is an immune system disorder of unknown cause and in its systemic form may affect the joints, skin and one or more internal organs, such as the kidney, heart and brain; and

WHEREAS, lupus is a chronic, complex and life-threatening disease, in which there is always the potential threat of serious illness and disability, and while lupus can occur in men, 90% of the sufferers are women in their childbearing years, with African-American women, Native American women and women of Asian descent particularly affected; and

WHEREAS, ordinarily, the immune system protects against infection by producing antibodies that successfully combat foreign infectious agents, but in people with lupus, the immune system produces antibodies that can harm the individual's own tissues; and

WHEREAS, people with lupus have many different symptoms, but the most common are fatigue, muscle and joint pain, skin disorders and inflammation of internal organs and of the vascular and nervous system. Early detection and proper treatment is critical to the quality of life and survival rate of lupus sufferers; and

WHEREAS, researchers estimate that over 1,500,000 people in the United States have been diagnosed with a form of lupus or

related diseases and approximately 100,000 new cases are diagnosed each year; and

WHEREAS, to fight lupus, new research and new approaches to diagnosis and treatment are needed and the alleviation of the suffering of lupus victims can be achieved through patient services and the promotion of early detection of undiagnosed cases through lupus awareness programs; and

WHEREAS, scientists in biology, biochemistry, immunology, genetics and other fields are seeking to understand the causes of lupus and to develop better means of detection, treatment and prevention; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fifth Legislature now assembled in the First Regular Session, on behalf of the people we represent, recognize that May 2011 is Lupus Awareness Month in order to make our citizens more aware of this prevalent disease.

READ and ADOPTED.

Sent for concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the following members of the Saint Dominic Academy Girls Ice Hockey Team, of Auburn, who won the 2011 Class A State Championship: Anna Desjardin, Emily Briggs, Emily Poulin, Faith Ide, Jenna Fongemie, Kate Lacombe, Kayla Gelinis, Kayla McLellan, Kelley McLellan, Lauren Ratsep, Lydia Martin, Marisa Zamrock, Meghan Hargreaves, Nicole Keaney and Sophie Goulet; head coach Don Boucher; and assistant coaches Paul Gosselin and Andrew Girouard. We extend our congratulations to the members of the team on this achievement and send them our best wishes for continued success;

(HLS 328)

Presented by Representative BEAULIEU of Auburn.

Cosponsored by Senator SNOWE-MELLO of Androscoggin, Representative BICKFORD of Auburn, Representative CAREY of Lewiston, Representative BOLDUC of Auburn, Representative LAJOIE of Lewiston, Representative WAGNER of Lewiston, Representative ROTUNDO of Lewiston, Senator CRAVEN of Androscoggin.

On **OBJECTION** of Representative BEAULIEU of Auburn, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Auburn, Representative Beaulieu.

Representative **BEAULIEU**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Saint Dominic Academy used to be high school when I was teaching at Lewiston High School. I remember that distinctly.

Lewiston-Auburn has a rich tradition of outstanding men's hockey teams. Historically, they have dominated ice hockey greatness, producing many of our state's outstanding championship teams and individual stars. Representative Damon's son Derek was one of the more recent greats in this line of accomplished ice hockey athletes.

However, today I am proud to introduce to you another championship team from this small private academy that equals these teams of the past in work ethic, team discipline, personal motivation, willingness to compete at the highest level, and the desire to seek excellence in their quest to achieve championship status, all identical traits and characteristics exhibited by these aforementioned teams with one distinct difference: this team is made up of young women.

Please join me in welcoming the 2011 State Class A Championship Girls Ice Hockey Team, the newest addition to a proud and enduring hockey legacy. I salute the team and each of its members for meeting all challenges and becoming part of a great chain of champions. Thank you, Mr. Speaker.

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

In Memory of:

Dr. Robert C. Frederich, of Raymond, a longtime pastor and active member of his community. Dr. Frederich was raised in Maine and spent his early years in Rangeley. He joined the United States Navy and served until 1945. He was a graduate of Wheaton College and Fuller Theological Seminary, and he received his doctorate degree from Denver Seminary. Dr. Frederich served as pastor of many churches in the Midwest, then returned to Maine to serve as pastor of the First Baptist Church in Portland for 8 years. After his retirement, Dr. Frederich started a ministry to pastors, serving as a pastor to many pastors in the State. Among his accomplishments outside the church, he worked with United States Senator Susan Collins to get Medicare to approve payments for patients with diabetes to have insulin pumps. Dr. Frederich was very aware of his civic responsibility and was a leader among many clergy in our State and Nation, encouraging all to stand up for the principles on which our country was founded. He will be greatly missed and long remembered by his loving family and the many people whose lives he touched;

(HLS 313)

Presented by Representative McCLELLAN of Raymond.

Cosponsored by Senator DIAMOND of Cumberland.

On **OBJECTION** of Representative McCLELLAN of Raymond, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Raymond, Representative McClellan.

Representative **McCLELLAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We lost Pastor Robert Frederich in February and I stand before you today probably not the best person to reflect on this remarkable life, but that is the role I've taken on today.

Pastor Robert Frederich, he loved the Lord. I knew him in his later years. Retirement to Pastor meant fulltime mentoring to pastors in churches. He was extremely giving to my church, White Pine Community Church, which is in Cumberland, Maine. When Pastor saw you, he would ask you "How is your soul?" He loved people and he truly cared for them. Pastor served and he is noted for serving both God and his country, and in the role country he spent a stint in the U.S. Navy.

It was said earlier in the reading that he worked with Senator Collins for over two years to get Medicare approval for insulin pumps, which made a major difference for people that suffer from diabetes. Pastor Frederich believed in God we trust. He loved people and he didn't judge them, and he certainly loved Maine.

He was married to his wife Nona for over 50 years. When he lost his beloved wife Nona a few years back, he seemed himself ready to go home to the Lord as well, but God had other plans for him. Pastor Frederich himself became very ill recently, but God used him one more time and he used him to show people what faith and courage really is about. Pastor Frederich is now at home with the Lord and he is at home with Nona. I think today his life is certainly worth noting. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from New Gloucester, Representative Espling.

Representative **ESPLING**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today to say a few words about a great man.

Pastor Bob Frederich was one of the most gentle and gracious people you could have ever met. My husband was a young man of 26 years old when he was ordained as a minister. He learned much about theology and ministry in school, but there are many things about working with people that had to be learned from experience. Pastor Frederich had this experience and selflessly reached out to other newer or discouraged pastors to mentor and encourage them, and it is because he did this and reached out to mentor my husband that my husband was able to go on to mentor others as well.

Pastor Frederich attended one of our church services shortly before he passed. Even in his challenging physical condition, he sought the welfare of others and continued to encourage others. Pastor Frederich was a great man, a husband, father, mentor and spiritual leader. His influence will continue through future generations. We are blessed to have been able to know him and have him here with us for this time. Thank you.

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

REPORTS OF COMMITTEE

Refer to the Committee on Health and Human Services Pursuant to Statutes

Representative STRANG BURGESS for the **Government Oversight Committee** on Resolve, To Study Allocations of the Fund for a Healthy Maine

(H.P. 1144) (L.D. 1558)

Reporting that it be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** pursuant to the Maine Revised Statutes, Title 3, section 997, subsection 2.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Sent for concurrence.

Divided Reports

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Amend the Laws Governing Sales Tax on Used Motor Vehicles"

(S.P. 163) (L.D. 571)

Signed:

Senators:

TRAHAN of Lincoln
HASTINGS of Oxford
WOODBURY of Cumberland

Representatives:

KNIGHT of Livermore Falls
BENNETT of Kennebunk
BERRY of Bowdoinham
BICKFORD of Auburn
BRYANT of Windham
BURNS of Alfred
FLEMINGS of Bar Harbor
PILON of Saco

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-63)** on same Bill.

Signed:

Representatives:
HARMON of Palermo
WATERHOUSE of Bridgton

Came from the Senate with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.
READ.

On motion of Representative KNIGHT of Livermore Falls, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-59)** on Bill "An Act To Amend the Laws Regarding the Determination of Domicile Based on the Geographic Location of an Individual's Bank"

(S.P. 339) (L.D. 1130)

Signed:
Senators:
TRAHAN of Lincoln
HASTINGS of Oxford
WOODBURY of Cumberland

Representatives:
KNIGHT of Livermore Falls
BENNETT of Kennebunk
BERRY of Bowdoinham
BICKFORD of Auburn
BURNS of Alfred
FLEMINGS of Bar Harbor
HARMON of Palermo
PILON of Saco
WATERHOUSE of Bridgton

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

Signed:
Representative:
BRYANT of Windham

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-59)**.
READ.

On motion of Representative KNIGHT of Livermore Falls, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.
The Bill was **READ ONCE**. **Committee Amendment "A" (S-59)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, May 11, 2011.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass** on Bill "An Act To Direct the Judicial Branch To Take Requisite Measures To Collect Fines and Penalties"

(S.P. 337) (L.D. 1104)

Signed:
Senators:
HASTINGS of Oxford
BLISS of Cumberland
WOODBURY of Cumberland

Representatives:
NASS of Acton

BEAULIEU of Auburn
DILL of Cape Elizabeth
FOSTER of Augusta
MALONEY of Augusta
PRIEST of Brunswick
ROCHELO of Biddeford
SARTY of Denmark
WATERHOUSE of Bridgton

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

Signed:
Representative:
MOULTON of York

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

On motion of Representative NASS of Acton, the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE** and was assigned for **SECOND READING** Wednesday, May 11, 2011.

Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought Not to Pass** on Bill "An Act Regarding the Saltwater Recreational Fishing Registry" (EMERGENCY)

(H.P. 250) (L.D. 308)

Signed:
Senator:
SULLIVAN of York

Representatives:
WEAVER of York
BELIVEAU of Kittery
CHAPMAN of Brooksville
KNAPP of Gorham
KRUGER of Thomaston
KUMIEGA of Deer Isle
MacDONALD of Boothbay
OLSEN of Phippsburg

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-181)** on same Bill.

Signed:
Senators:
SNOWE-MELLO of Androscoggin
LANGLEY of Hancock

Representatives:
PARRY of Arundel
TILTON of Harrington

READ.
On motion of Representative WEAVER of York, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Contract Out the State Single Audit"

(H.P. 516) (L.D. 687)

Signed:

Senators:

THOMAS of Somerset
COLLINS of York
SULLIVAN of York

Representatives:

COTTA of China
BOLAND of Sanford
BOLDUC of Auburn
CASAVANT of Biddeford
CELLI of Brewer
GRAHAM of North Yarmouth
MOULTON of York
TURNER of Burlington

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-175)** on same Bill.

Signed:

Representative:

HARVELL of Farmington

READ.

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

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-182)** on Bill "An Act To Make Changes to Boards and Commissions Concerning Membership, Appointments and Terms"

(H.P. 663) (L.D. 904)

Signed:

Senator:

SULLIVAN of York

Representatives:

COTTA of China
BOLAND of Sanford
BOLDUC of Auburn
CASAVANT of Biddeford
GRAHAM of North Yarmouth
KAENRATH of South Portland

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

Signed:

Senators:

THOMAS of Somerset
COLLINS of York

Representatives:

CELLI of Brewer
HARVELL of Farmington
MOULTON of York
TURNER of Burlington

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-182)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, May 11, 2011.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Repeal the Maine Clean Election Laws"

(H.P. 489) (L.D. 659)

Signed:

Senators:

FARNHAM of Penobscot
PATRICK of Oxford
PLOWMAN of Penobscot

Representatives:

BEAULIEU of Auburn
CAREY of Lewiston
CHIPMAN of Portland
CROCKETT of Bethel
LONGSTAFF of Waterville
RUSSELL of Portland
VALENTINO of Saco
WILLETTE of Presque Isle

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-174)** on same Bill.

Signed:

Representatives:

DAMON of Bangor
JOHNSON of Eddington

READ.

Representative BEAULIEU of Auburn moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On motion of Representative CURTIS of Madison, **TABLED** pending the motion of Representative BEAULIEU of Auburn to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

CONSENT CALENDAR

First Day

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

(S.P. 448) (L.D. 1441) Bill "An Act To Amend the Yarmouth Water District Charter" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass**

(S.P. 26) (L.D. 11) Bill "An Act To Regulate the Keeping of Wolf Hybrids" (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-50)**

(S.P. 57) (L.D. 207) Bill "An Act To Amend the Laws Regarding Tips Used in Payment of Service Employees" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-58)**

(S.P. 139) (L.D. 435) Bill "An Act To Improve the Rate of Organ and Tissue Donation by Establishing the Organ Donation Advisory Council" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-57)**

(S.P. 184) (L.D. 604) Bill "An Act To Exempt Certain Meals Provided to Food Service Employees from the Sales and Use Tax" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-53)**

(S.P. 251) (L.D. 848) Resolve, Directing the Commission on Governmental Ethics and Election Practices To Study Modifying the Maine Clean Election Act Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-54)**

(S.P. 266) (L.D. 862) Resolve, Directing the Department of Environmental Protection To Amend Its Rules Governing the Length of Time Certain Permits Are Valid Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-56)**

(S.P. 304) (L.D. 986) Bill "An Act To Allow a Driver To Receive a Designation on That Driver's License That the Driver Is a Veteran" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-62)**

(S.P. 323) (L.D. 1090) Bill "An Act To Allow a Stay of an Administrative License Suspension for Refusal To Submit to a Test" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-61)**

(S.P. 341) (L.D. 1132) Resolve, To Authorize the Exchange of Certain Lands Owned by the State Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-55)**

(H.P. 157) (L.D. 180) Resolve, To Change Rules Concerning Landfill Gas and Odor Management from Routine Technical Rules to Major Substantive Rules (EMERGENCY) Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass**

(H.P. 913) (L.D. 1222) Bill "An Act To Promote Fairness in Negotiations between Health Insurance Carriers and Health Care Service Providers" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass**

(H.P. 152) (L.D. 175) Bill "An Act To Create a Short-term All-terrain Vehicle Registration System" (EMERGENCY) Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-195)**

(H.P. 254) (L.D. 321) Bill "An Act To Change the Qualifications of Certain Members of the Board of Pesticides Control" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-187)**

(H.P. 375) (L.D. 482) Bill "An Act To Amend the Laws Dealing with Limitation of Actions" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-192)**

(H.P. 403) (L.D. 520) Bill "An Act To Allow a Waiver for On-premise Signs" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-201)**

(H.P. 585) (L.D. 778) Bill "An Act To Amend the Process of Federal Aviation Administration Airport Improvement Program Grants" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-193)**

(H.P. 748) (L.D. 1012) Bill "An Act To Require a Mortgagee To Provide the Original Release of Mortgage to the Mortgagor after the Release Is Recorded" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-202)**

(H.P. 751) (L.D. 1015) Bill "An Act To Reduce Unnecessary Reporting Requirements for the Department of Environmental

Protection" Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-199)**

(H.P. 760) (L.D. 1024) Bill "An Act To Amend the Laws Governing Land Surveyors" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-203)**

(H.P. 791) (L.D. 1056) Bill "An Act To Increase the Availability of Independent Medical Examiners under the Workers' Compensation Act of 1992" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-204)**

(H.P. 958) (L.D. 1306) Bill "An Act To Require the Correct Motor Vehicle Registration for Antique Autos and Custom Vehicles" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-200)**

There being no objections, the above items were ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

**CONSENT CALENDAR
Second Day**

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

(S.P. 259) (L.D. 855) Bill "An Act To Treat Plantations in the Same Manner as Towns for Purposes of Tax Increment Financing"

(H.P. 839) (L.D. 1127) Bill "An Act To Amend the Authority of the Washington County Development Authority" (EMERGENCY)

(H.P. 983) (L.D. 1342) Bill "An Act To Amend the Washington County Development Authority"

(H.P. 225) (L.D. 277) Bill "An Act To Make Disputed Ballots in State Elections Public" (C. "A" H-178)

(H.P. 301) (L.D. 375) Bill "An Act To Exempt Boilers in Municipalities and Schoolhouses from State Inspection Requirements" (C. "A" H-176)

(H.P. 487) (L.D. 657) Bill "An Act To Permit Disposal of Abandoned Manufactured Housing" (C. "A" H-183)

(H.P. 718) (L.D. 974) Bill "An Act To Revise the Laws on Tournament Games" (C. "A" H-179)

(H.P. 742) (L.D. 1006) Bill "An Act To Provide a Remedy to Property Owners When a Tenant Defaults on a Lease" (EMERGENCY) (C. "A" H-180)

(H.P. 803) (L.D. 1068) Bill "An Act To Protect the Privacy of Maine Residents under the Driver's License Laws" (C. "A" H-177)

(H.P. 863) (L.D. 1165) Bill "An Act To Enable Prosecutions for Criminal Invasion of Computer Privacy" (C. "A" H-185)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was **PASSED TO BE ENGROSSED** in concurrence and the House Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

**BILLS IN THE SECOND READING
House as Amended**

Bill "An Act To Allow Oak Grove Cemetery To Operate a Crematorium on a Parcel of Land Less than 20 Acres" (EMERGENCY)

(H.P. 230) (L.D. 286)
(C. "A" H-142)

Resolve, Directing the Department of Environmental Protection To Amend Its Rules Regarding Snow Dumps

(H.P. 266) (L.D. 333)
(C. "A" H-156)

Bill "An Act To Reduce Noise Pollution by Requiring Mufflers on Motorcycles"

(H.P. 370) (L.D. 477)
(C. "A" H-144)

Bill "An Act To Update the Radon Registration Act"

(H.P. 461) (L.D. 631)
(C. "A" H-143)

Bill "An Act To Add a Member to the Advisory Council on Health Systems Development"

(H.P. 564) (L.D. 757)
(C. "A" H-140)

Bill "An Act To Decrease the Tax Burden on Maine's Seniors"

(H.P. 601) (L.D. 805)
(C. "A" H-165)

Bill "An Act To Amend the Law Concerning Overboard Discharge Systems" (EMERGENCY)

(H.P. 758) (L.D. 1022)
(C. "A" H-151)

Bill "An Act To Conform Business Expense Deductions to Federal Law"

(H.P. 843) (L.D. 1137)
(C. "A" H-155)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the House Papers were **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

Bill "An Act To Modify Rating Practices for Individual and Small Group Health Plans and To Encourage Value-based Purchasing of Health Care Services"

(H.P. 979) (L.D. 1333)
(C. "A" H-186)

Was reported by the Committee on **Bills in the Second Reading** and **READ** the second time.

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

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

Representative **CAIN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. We have established a theme this session that I am personally very proud of and I believe in it. The best work we do, we do together, and by that standard LD 1333 is not our best work.

We have shown that we can work together at the committee level, when given time and space to do so, to supplemental budgets, regulatory reform, even vernal pools, Mr. Speaker, so why not this? On a bill that dramatically changes the insurance markets in Maine, it repeals the State Health Plan, repeals the Advisory Council on Health Systems Development, that something that just today on the calendar we added a member to.

This is a rushed expansion of our rating bands that will lead to increased rates in Maine. The surcharges or taxes of \$4 on all health insurance policies is new for Maine and fewer choices and higher rates for rural Mainers and businesses will be the result.

In fact, one of my caucus members stopped me on the way to session this morning and said "Emily, if rates in southern Maine will be so much lower than northern and Downeast Maine, won't all the businesses just move to southern Maine?" That is bad for our great state, but it is not too late to go back and work together, Mr. Speaker. Democrats have offered compromise proposals

and continue to stand ready to work together on LD 1333.

So let me say it again: the best work we do, we do together, and LD 1333 is not our best work. Maine people expect more. Please join me in voting red on this motion and opposing this bill. Mr. Speaker, I ask for a roll call.

Representative CAIN of Orono **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (H-186)**.

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

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

Representative **CHIPMAN**: Mr. Speaker, I have lived in Maine my whole life. Growing up I have learned several important life lessons such as early to bed, early to rise; a penny saved is a penny earned; and two wrongs don't make a right.

Last Thursday when we were debating LD 1333, I heard members of one particular party talk about when the other party was in the majority, they also brought forward lengthy amendments to bills at the last minute and forced a vote before anyone had time to read it and without giving the public a chance to weigh in.

As the only Independent member of this body, I don't care what party is in the majority. Bringing forward a lengthy amendment at the last minute and forcing a vote with no time to read and understand a bill is wrong. Two wrongs don't make a right. And, Mr. Speaker, I voted no last Thursday and I will vote no again today. Thank you.

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

Representative **HARVELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just stopped in to see what condition my condition was in. This beltline is not a preexisting condition and I have the photographic evidence to prove it.

Two days ago, the *Bangor Daily News* released the demographics of the State of Maine from the last census. We are at 42.3 years of median age. Lincoln and Piscataquis Counties are over 48. Let me give you a little historical context of that. The Soviet Union and Germany, after the Second World War, did not face these demographics. Children under 20 years of age dropped by 7 percent; those under 40, between 20 and 40, dropped by 8 percent.

This bill seeks to set free a suffering youth that we have chained to our bad health decisions. Ezekiel said three thousand years ago that the sins of the father, the son should not be made responsible for the sins of the father. The youth of this country should not be made responsible for our bad decisions, but the current format means that they are. This bill seeks to change this. If Churchill was alive today, he may well have said never have so many strapped so few with an unimaginable guilt in their name.

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Engrossed as Amended by Committee Amendment "A" (H-186). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 31

YEA - Ayotte, Beaulieu, Bennett, Bickford, Black, Burns DC, Burns DR, Cebra, Celli, Chase, Clark T, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dow, Dunphy, Edgcomb, Espling, Fitts, Fitzpatrick, Flood, Fossel, Foster, Fredette, Gifford, Gillway, Guerin, Hamper, Hanley, Harmon, Harvell, Johnson D, Johnson P, Keschl, Knapp, Knight, Libby, Long, Maker, Malaby, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Newendyke, O'Connor, Olsen,

Parker, Parry, Picchiotti, Plummer, Prescott, Richardson D, Richardson W, Rioux, Rosen, Sanderson, Sarty, Sirocki, Strang Burgess, Tilton, Timberlake, Turner, Volk, Waterhouse, Weaver, Willette A, Willette M, Winsor, Wintle, Wood, Mr. Speaker.

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

ABSENT - Bolduc, Dill C, Kaenrath, Nelson.

Yes, 79; No, 68; Absent, 4; Excused, 0.

79 having voted in the affirmative and 68 voted in the negative, with 4 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-186)** and sent for concurrence.

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

ENACTORS

Emergency Measure

An Act To Qualify the Port of Eastport as Tax Exempt for Purpose of Bonding

(H.P. 440) (L.D. 557)

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

Emergency Measure

An Act To Create the Anson and Madison Water District

(H.P. 657) (L.D. 890)

(C. "A" H-116)

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. 139 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Establish a Pilot Physical Education Project in Four Maine Schools

(H.P. 939) (L.D. 1280)

(C. "A" H-125)

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 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, To Ensure That Maine Teachers and Paraprofessionals Who Work with Children with Autism Spectrum Disorders Are Appropriately and Adequately Prepared

(H.P. 546) (L.D. 715)

(C. "A" H-115)

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. 131 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.

Acts

An Act Establishing a Vietnam War Remembrance Day

(H.P. 12) (L.D. 20)

(H. "D" H-104 to C. "A" H-29)

An Act To Allow Treasurers To Process Tax Lien Discharge and Sanitary District Sewer Lien Documents Using Facsimile Signatures

(H.P. 241) (L.D. 297)

An Act To Require the Inclusion of a Financial Statement on School Administrative Unit Bond Obligations When Voting on a School Construction Project

(H.P. 275) (L.D. 349)

(C. "A" H-124)

An Act To Exempt from Income Tax the Income of Nonresidents Working in Maine Pursuant to an Interlocal Agreement

(S.P. 137) (L.D. 433)

(H. "A" H-131 to C. "A" S-20)

An Act Concerning Policy Objectives of the Public Utilities Commission

(H.P. 356) (L.D. 463)

(C. "A" H-121)

An Act To Change the Frequency of Alcoholic Beverage Tastings Allowed in a 12-month Period

(H.P. 411) (L.D. 528)

(C. "A" H-118)

An Act To Clarify the Use of Tax Increment Financing Funds for Recreational Development

(H.P. 416) (L.D. 533)

An Act To Update Department of Defense, Veterans and Emergency Management Laws

(H.P. 463) (L.D. 633)

(C. "A" H-120)

An Act To Amend the Charter of the Anson Water District

(H.P. 754) (L.D. 1018)

(C. "A" H-117)

An Act Relating to Qualified Financial Contracts by Domestic Insurers

(H.P. 938) (L.D. 1279)

(H. "A" H-128)

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

Resolves

Resolve, Directing the Department of Public Safety, Division of Liquor Licensing and Compliance To Amend Its Rules Governing the Return of Spirits by Consumers

(H.P. 397) (L.D. 504)

(C. "A" H-119)

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

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, May 5, 2011, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Bill "An Act To Amend the Maine Human Rights Act Regarding Accessible Building Standards"

(S.P. 488) (L.D. 1531)

- In Senate, **REFERRED** to the Committee on **JUDICIARY**.

TABLED - May 3, 2011 (Till Later Today) by Representative CAIN of Orono.

PENDING - REFERENCE IN CONCURRENCE.

Subsequently, the Bill was **REFERRED** to the Committee on **JUDICIARY**, in concurrence.

HOUSE DIVIDED REPORT - Majority (11) Ought Not to Pass - Minority (2) Ought to Pass as Amended by Committee Amendment "A" (H-147) - Committee on EDUCATION AND CULTURAL AFFAIRS on Bill "An Act To Exempt School Administrative District No. 24 and School Administrative District No. 32 from the Laws Requiring School Administrative Unit Consolidation" (EMERGENCY)

(H.P. 148) (L.D. 171)

TABLED - May 5, 2011 (Till Later Today) by Representative CURTIS of Madison.

PENDING - Motion of Representative RICHARDSON of Carmel to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

Representative EDGECOMB of Caribou **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** 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 Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 32

YEA - Beaudoin, Beaulieu, Beavers, Beck, Beliveau, Bennett, Berry, Blodgett, Boland, Bryant, Cain, Carey, Casavant, Celli, Chapman, Chipman, Clarke, Cornell du Houx, Curtis, Cushing, Damon, Dill J, Dion, Driscoll, Duchesne, Dunphy, Eberle, Espling, Eves, Fitts, Flemings, Flood, Gillway, Goode, Graham, Hanley, Harlow, Harvell, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Johnson D, Kaenrath, Kent, Knapp, Kruger, Kumiega, Lajoie, Longstaff, Lovejoy, Luchini, MacDonald, Maker, Malaby, Maloney, Mazurek, McCabe, McClellan, Morissette, Morrison, Moulton, Parker, Peoples, Peterson, Picchiotti, Pilon, Plummer, Priest, Rankin, Richardson D, Richardson W, Rochelo, Rotundo, Russell, Sanborn, Shaw, Stevens, Strang Burgess, Stuckey, Treat, Volk, Wagner R, Webster, Welsh, Winsor, Wintle, Mr. Speaker.

NAY - Ayotte, Bickford, Black, Briggs, Burns DC, Burns DR, Cebra, Chase, Clark H, Clark T, Cotta, Crafts, Cray, Crockett, Davis, Dow, Edgecomb, Fitzpatrick, Fossel, Foster, Fredette, Gifford, Gilbert, Guerin, Hamper, Harmon, Johnson P, Keschl, Knight, Libby, Long, Martin, McFadden, McKane, Nass,

Newendyke, O'Brien, O'Connor, Olsen, Parry, Prescott, Rioux, Rosen, Sanderson, Sarty, Sirocki, Theriault, Tilton, Timberlake, Turner, Tuttle, Valentino, Waterhouse, Weaver, Willette A, Willette M, Wood.

ABSENT - Bolduc, Dill C, Nelson.

Yes, 91; No, 57; Absent, 3; Excused, 0.

91 having voted in the affirmative and 57 voted in the negative, with 3 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

BILLS HELD

HOUSE DIVIDED REPORT - Majority (8) Ought Not to Pass - Minority (5) Ought to Pass as Amended by Committee Amendment "A" (H-164) - Committee on TAXATION on Bill "An Act To Reduce Taxes and Promote Employment"

(H.P. 524) (L.D. 695)

- In House, Majority (8) **OUGHT NOT TO PASS** Report of the Committee on **TAXATION READ** and **ACCEPTED**.

HELD at the Request of Representative BERRY of Bowdoinham.

On motion of Representative BERRY of Bowdoinham, the House **RECONSIDERED** its action whereby the Majority **Ought Not to Pass** Report was **ACCEPTED**.

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

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise to speak in opposition to the pending motion and to permit passage, through our opposition together at this time, of the best tax reduction this Legislature can make.

In each of our districts there is a single mother, working as a teacher perhaps, and struggling to keep two kids in daycare and one other in blue jeans. By voting red today and green on the next motion, you can reduce her taxes – their taxes – and make her work pay.

In each of our districts there is a small business run by a couple who have hit hard times, but who keep at it nonetheless. By voting red today and green on the next motion, you can help reduce their taxes and make their work pay.

By defeating this motion and making way for acceptance of the Minority Report, we today can enact a policy referred to by President Ronald Reagan as "the best antipoverty, the best pro family, the best job creation measure to come out of Congress."

Mr. Speaker, the bill that would be killed by the pending motion is affordable. It carries less than 1/20th the cost of another measure passed to be engrossed by this body unanimously here today, less than 1/20th the cost.

The bill is modest. Even if passed, Maine's Earned Income Tax Credit would be about average among all states with this credit and lower than average for New England states.

The bill benefits those Maine people who need it most. At present, the one in five working families who make the least in Maine carry the highest overall tax burden. The one in five working families who make the least carry the highest overall tax burden.

The bill creates jobs and rewards work because it is based on earned income. If you do not work, you will not qualify. If you do work, if you do have earned income, your tax reduction is greater the more you work.

If there were ever a hand up and not a hand out, this is it. If there were ever a way to make work pay, this is it. If there were ever a way to lift Maine families and young children out of poverty, working families out of poverty, this is it. And if there were ever a way to reduce the burden on those who bear the

greatest tax burden right now, this is it.

Mr. Speaker, President Reagan did not exaggerate when he called the Earned Income Tax Credit "the best antipoverty, the best pro family, the best job creation measure to come out of Congress," and neither did those who voted in the minority on this bill. If you stand for working people, for working Maine families, for struggling small businesses – no matter what letter you have next to your name – I ask that you vote against the pending motion and make way for one of the best bills to come out of this Legislature this year. Thank you, Mr. Speaker.

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

Representative **BRYANT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'm not sure I pushed my button, but given a chance to speak, that's always a good thing here at the House. I think for me in the committee, we're always talking about people aren't working and getting paid and all these things, but this one here is saying these are working people that are trying to move forward, we're trying to give them a step in the right direction. I think it's the right thing to do. I am opposed to the motion here, Ought Not to Pass. I wish for you all to follow my light and defeat this motion. Thank you.

Representative **HARMON** of Palermo **REQUESTED** that the Clerk **READ** the Committee Report.

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

The SPEAKER: The Chair recognizes the Representative from Bar Harbor, Representative Flemings.

Representative **FLEMINGS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion and in support of the bill, LD 695, An Act To Reduce Taxes and Promote Employment. Much has already been said eloquently on this bill and I echo the sentiments that this proposal is one of the best things we can do to help Mainers enter the workforce, to reduce the tax burden for those who need it most, and to reduce poverty, especially child poverty, and to support our local economy.

I don't want to repeat what has been said before, but I do want to point out we had a great deal of testimony in committee, We had close to a dozen folks in support of the bill, nobody in opposition to the bill. And one of the exciting things about this proposal in addition to what we've heard already is that it, in particular, is a very effective tool to address child poverty and hunger, because it does so in a way that encourages work, that helps lead to independence and financial sustainability for struggling families, and the Earned Income Tax Credit is greater for families with children and so it effectively reaches those parents and children who need it most.

As you may know child poverty in Maine is on the rise. In 2009, 17.5 percent of children lived in poverty, as reported in the 2011 Kids Count. This is one percent higher than 2008 and higher than in previous years. For children under the age of five, 21 percent are living in poverty, and these rates are the highest in New England. More than one in five children in Maine experience food insecurity and we know that children living in poverty and with hunger face more obstacles in learning, gaining independence, and becoming successful in life. This is why this bill is so important at this time. Increasing the state Earned Income Tax Credit will help those families, will help our local economy, will help all families who need it most, and it will help workforce participation. Thank you, Mr. Speaker, for your consideration and I do hope you will join me and others in opposing the pending motion, and I request a roll call, Mr. Speaker. Thank you.

Representative **FLEMINGS** of Bar Harbor **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

Representative **STUCKEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Years ago, Governor Brennan used to say that the best human service program was a job. I think he was right then and I think his premise is still correct today, except for many people it would have to be changed to two jobs. For too many Mainers today, the gap between their first job and a livable wage is too big.

Earned Income Tax Credit rewards work. To be eligible, you have to have earned income and file a tax return. Increasing the EITC and making it partially refundable would go a long way toward closing the gap for Maine's low wage earners, between their low wages and a livable wage. It would help many of the people we've moved off of welfare in the past few years actually move a step closer to getting out of poverty.

Earned Income Tax Credit also supports our local economy. Studies indicate that 75-80 percent of the EITC refunds are spent for things like housing, food, childcare, transportation, and school tuitions and loans. The rest are put into savings. In 2009, federal Earned Income Tax Credit refunds for low and lower middle income Maine taxpayers totaled \$193 million. My bet is that virtually all of that money stayed right here in Maine. If this bill had been the law of the land two years ago, Maine taxpayers receiving the state EITC refunds would have spent and invested an additional \$8 million in our local economy.

The federal Earned Income Tax Credit was enacted in 1975. Over the years, it has become arguably our country's simplest, largest, most effective and most efficient cash assistance benefit to low-income working people. You've heard when Ronald Reagan expanded the program in 1986, he called it "the best antipoverty, the best pro family, the best job creation measure to come out of Congress." President Reagan and I both think the Earned Income Tax Credit is a great way to fight poverty, support families and grow our local economy, and I hope you will all agree with us. Thank you, Mr. Speaker.

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

Representative **PILON**: Thank you, Mr. Speaker. I, too, rise in opposition of the pending motion. This bill helps people that are just trying to eke out a living. If you're not working, you don't qualify for this tax credit. This isn't a handout.

I have a young man in my district that is just trying to make ends meet. He is working many jobs, he has his own business, he has worked for me a couple times. He does odd jobs, he has a little truck hauling business, and he's not going to take any kind of food stamps or Section 8. He refuses to do any of that. He's going to make a living and this is a perfect program just for him. So I urge you to support my constituent and I'm sure that everybody else in this chamber has someone just like him in our districts. So I urge you to vote in opposition of this pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Maloney.

Representative **MALONEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. When I went door to door, I was asked again and again, why don't we support the working poor? Why do we only help those who aren't working? This is our chance to help poor working families and so I will be voting red.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 33

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

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

ABSENT - Bolduc, Dill C, Nelson.

Yes, 76; No, 72; Absent, 3; Excused, 0.

76 having voted in the affirmative and 72 voted in the negative, with 3 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

SENATE PAPERS

Resolve, To Transfer the Guilford Butler School to Regional School Unit 13

(S.P. 498) (L.D. 1559)

Came from the Senate, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 871) (L.D. 1173) Bill "An Act To Make Changes to the Maine College Savings Program" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-208)**

There being no objections, the above item was ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

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

On motion of Representative McCLELLAN of Raymond, the House adjourned at 11:43 a.m., until 10:00 a.m., Wednesday, May 11, 2011, in honor and lasting tribute to Dr. Robert C. Frederich, of Raymond.