ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
FIRST REGULAR SESSION
50th Legislative Day
Wednesday, May 25, 2011

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

Prayer by Reverend Jane MacIntyre, South Parish Congregational Church, United Church of Christ, Augusta.

National Anthem by Suzuki Violin Students, Stepping Stones Montessori School, Chelsea.

Pledge of Allegiance.

Doctor of the day, Christopher Maloney, N.D., Augusta.

The Journal of yesterday was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 183)

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

May 25, 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 Standing Committees have voted unanimously to report the following bills out "Ought Not to Pass":
Criminal Justice and Public Safety
L.D. 508 An Act To Adjust Certain Age Limits in the Laws Concerning Sex Offenses To Further Protect Minors
L.D. 638 An Act To Require Sex Offenders To Complete Their Full Time on the Sex Offender Registry
L.D. 740 An Act To Amend the Sex Offender Registration Laws
L.D. 1421 An Act To Reduce the Cost of Delivery of State and County Correctional Services
Education and Cultural Affairs
L.D. 1471 An Act To Require Voter Validation for a School Administrative Unit To Retain Ownership of a School No Longer Used Primarily for Classroom Education
Labor, Commerce, Research and Economic Development
L.D. 43 An Act To Repeal the Maine Uniform Building and Energy Code
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**.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the members of the Hall-Dale High School Girls Basketball Team, who have won the 2011 Class C State Championship, the school's first girls basketball title since 1986. We congratulate the members of the team on this achievement and send them our best wishes;

(HLS 403)

Presented by Representative TREAT of Hallowell.
Cosponsored by Senator McCORMICK of Kennebec, Senator GOODALL of Sagadahoc, Representative FOSSEL of Alna, Representative NEWENDYKE of Litchfield.

On **OBJECTION** of Representative TREAT of Hallowell, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **TREAT**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House. I am really thrilled to be able to honor the tremendous athletes of the Hall-Dale Girls Basketball team and their coach Brandon Terrill, the Class C State Champions. They won the championship back in March, but these young women were so busy we couldn't schedule a visit until today. It may be a couple months back, but believe me, this championship is still a big deal, at Hall-Dale and in all of the towns represented in that district and community. As mentioned in the Sentiment, the first time since 1986 and it is only the third state championship for the Bulldogs. By the way I'm really kicking myself for not having proposed a friendly challenge to Representative Burns, who represents Washington Academy which, unfortunately for them, had to face this awesome team. Otherwise I might be chowing down on Washington County lobster and blueberry pie right now.

But anyway, the team won with both sportsmanship and athleticism, with top scorers Taylor Massey and Carylanne Wolfington amassing 38 points between them, but with the entire team joining in to win.

In just his second year as coach, Coach Terrill was named Kennebec Journal Coach of the Year for his successful efforts winning with a team that had lost nine graduating seniors from the previous season. Not only that, but Junior Carylanne Wolfington was named Kennebec Journal Girls Basketball Player of the Year. Runner up? Taylor Massey.

These young women are also scholars - somehow Taylor was able to focus on both athletics and academics and was just named one of Hall-Dale's "Top Ten" Seniors.

So, I hope you will join me in recognizing the achievements of the entire team which also includes Kristen Moody, Kayla Barton, Wendy Goldman, Kristina Buck, Paley Sweet, Natalie Fenderson, Kristi Fredette, Catie Eccleston, Natasha Brown, Chelsey Poland, and Kyrie Johnson, and again, they are joined by their Coach Terrill and are waiting in the balcony for your accolades.

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 do rise today and I'm sure that the Representative from Dennysville, Representative McFadden, shares my sentiment that this is a well deserved award that these girls are receiving, although I am a little bit disappointed that Washington Academy was the runner-up. But this is an award that is rightfully deserved.

I do have a little bit of a connection with this team. I grew up just down the street a ways in Gardiner, so I know a little bit about Hall-Dale. But once again, it is my sincere congratulations that are well-deserved, and we will be back. Thank you.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I also would like

to extend my congratulations to the Hall-Dale High School Girls Basketball Team and, in particular, my niece Kristi Fredette.

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

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

REPORTS OF COMMITTEE
Divided Reports

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act To Allow the Repayment of Improperly Awarded Workers' Compensation Benefits"

(S.P. 389) (L.D. 1268)

Signed:
Senator:
JACKSON of Aroostook

Representatives:
DRISCOLL of Westbrook
GILBERT of Jay
HERBIG of Belfast
HUNT of Buxton
TUTTLE of Sanford
WINTLE of Garland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-124)** on same Bill.

Signed:
Senators:
RECTOR of Knox
MARTIN of Kennebec

Representatives:
PRESCOTT of Topsham
DOW of Waldoboro
NEWENDYKE of Litchfield
VOLK of Scarborough

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-124)**.

READ.

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

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

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Amend the Laws Governing the Maine Health Data Organization Relating to Retail Pharmacies"

(S.P. 164) (L.D. 572)

Signed:
Senator:
CRAVEN of Androscoggin

Representatives:
EVES of North Berwick
FOSSEL of Alna
MALABY of Hancock
PETERSON of Rumford
SANBORN of Gorham
SANDERSON of Chelsea
SIROCKI of Scarborough
STUCKEY of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-138)** on same Bill.

Signed:
Senators:
McCORMICK of Kennebec
FARNHAM of Penobscot

Representatives:
STRANG BURGESS of Cumberland
O'CONNOR of Berwick

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-138)**.

READ.

Representative STRANG BURGESS of Cumberland moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Strang Burgess.

Representative **STRANG BURGESS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to rise to give you a little background on this bill. Many of you are aware that we collect a tremendous amount of health information and data. In fact, I think we've got that sort of in a few different places. In fact, Maine is one of the leaders in the country in this area and it is pretty exciting. One of the things that we're going to be doing is talking later about how to organize that.

This bill is more specifically directed at how one of these areas, or silos if you will, that collect health data – it is the Maine Health Data Organization – and how that is funded. It is funded many, many different ways. A lot of people contribute to that. This bill was put in by the pharmacies, the retail community pharmacies. They currently pay anywhere from $100 to $220 per location, per year, and they supply data, but they never get a chance to use it. They made a case to our committee that they really shouldn't be on the hook to pay for that. You can see it is sort of an interesting split there. I am supporting my Senate Chair and asking for your consideration of the Minority Ought to Pass as Amended Report. Thank you.

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

Representative **SANBORN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Rite Aid pharmacy is the primary advocate for eliminating pharmacies from the MHDO assessment and it is also one of the pharmacies that is in support of another LD, LD 612, that will be before us probably next year. It is a bill held over. But this bill was to expand pharmacists' scope of practice to include medication therapy management which, I believe, is a good idea and hopefully we will go that way. I think it will save us a lot of health care dollars.

The problem is the pharmacies want to have it both ways. They want not to pay into this system, but at the same time they want to be considered an important part of the health care team. If they are going to be an important part, then they need to pay a fair share. Speaking of that, fair share, I would like you to know that it is relatively a small fee. This is $211 per pharmacy. The total cost paid for all of the groups that support the MHDO is $1.5 million. Of that, all of the pharmacies together pay $58,869 and that breaks down to only $211 per pharmacy.

LD 572 would also remove the MHDO's authority to collect data from retail pharmacies. Currently the pharmacies don't have to submit this themselves. This is done by other insurance carriers and pharmacy benefit managers and while no one is suggesting that the data be submitted by the pharmacies directly, it is important that the MHDO retain its legal authority to compel pharmacies to send data if problems do arise in the future. So I am asking you to vote against the motion on the floor because I think that it is a good idea for pharmacies to pay into this valuable program. Thank you.

The SPEAKER: The Chair recognizes the Representative from North Berwick, Representative Eves.

Representative **EVES**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. You've heard a little bit of the history about the MHDO and you've heard a little bit about the specifics of this bill. I think I will go right to the heart of the issue here. Nobody is debating on whether the MHDO is a value to Maine. It certainly is and I think as a committee we can all agree to that. The issue is who pays for it and there is some debate in terms of the value to the pharmacies.

The pharmacies are a major player in our health care infrastructure. We need to continue to collect their data and we need to continue to fund the MHDO. This is going to be paid for one way or another, whether the pharmacies pay for it or this is shifted to the other providers that are required to pay into it. That's why we heard testimony from the Maine Hospital Association opposed to diluting the payers that pay into the system. Somebody is going to pick it up. It will be some other provider that is currently paying, so really we are just shifting the costs to other providers.

There are other efforts, as was alluded to, to address this issue and the MHDO in a broader context. I do hope that we can do this in a more comprehensive thoughtful way. Mr. Speaker, has a roll call been asked for?

The SPEAKER: The Chair would answer in the negative.

Representative EVES of North Berwick **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought to Pass as Amended** Report.

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

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

Representative **O'CONNOR**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. A lot of what has been said is so, however the data that is being collected from the Maine Health Data Organization has been very, very untimely. In fact, the pharmacies that are forced to pay the $211 per pharmacy, with Rite Aid paying almost $18,000 a year, the data that they have gotten has been inefficient to say the least, and the Maine Health Data Organization, as we speak, is being looked at for those inefficiencies. As of now, I do not think that these pharmacies should be forced to pay for services that they do not use.

The SPEAKER: The Chair recognizes the Representative from Hancock, Representative Malaby.

Representative **MALABY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'd have to concur with the good Representative from Berwick that indeed some of the data that is provided to the Maine Health Data Organization is slow in coming. But in Maine, our largest health care provider is Medicare and as they report once a year and sometimes they are six or eight months late with that, to be 20 months late with data is, well frankly, to be expected. So I rise in opposition to the motion on the floor. I do believe we need to maintain, indeed improve, the Maine Health Data Organization, but most importantly we will need in the future to continue to fund it. Thank you.

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

Representative **FOSSEL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. If we are ever going to lower health care costs, we have to have the information we need to do it. This bill keeps that information at our fingertips. I know it is not nearly as good as it should be. This whole system needs reforming, but if we don't have the information at hand, we're going to make bad choices. Thank you.

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

ROLL CALL NO. 78

YEA - Ayotte, Beaulieu, Bennett, Bickford, Black, Burns DR, Celli, Chase, Clark T, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dow, Dunphy, Edgecomb, Espling, Fitts, Fitzpatrick, Flood, Foster, Fredette, Gifford, Gillway, Guerin, Hamper, Hanley, Harmon, Harvell, Johnson D, Johnson P, Keschl, Knapp, Knight, Libby, Long, Maker, 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, Waterhouse, Weaver, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

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

ABSENT - Cebra, Wintle.

Yes, 73; No, 75; Absent, 2; Vacant, 1; Excused, 0.

73 having voted in the affirmative and 75 voted in the negative, 1 vacancy with 2 being absent, and accordingly the Minority **Ought to Pass as Amended** Report was **NOT ACCEPTED**.

Subsequently, the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Implement the Recommendations of the Working Group Concerning Domestic Violence and Firearms"

(H.P. 312) (L.D. 386)

Signed:

Senators:
MASON of Androscoggin
WHITTEMORE of Somerset

Representatives:
PLUMMER of Windham
BURNS of Whiting
HANLEY of Gardiner
LAJOIE of Lewiston
LONG of Sherman
MORISSETTE of Winslow
SANDERSON of Chelsea

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-330)** on same Bill.
Signed:
Senator:
GERZOFSKY of Cumberland

Representatives:
BLODGETT of Augusta
CLARKE of Bath
HASKELL of Portland

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

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-331)** on Bill "An Act To Allow Law Enforcement Officers from Out of State To Carry Concealed Weapons"

(H.P. 339) (L.D. 446)

Signed:
Senators:
MASON of Androscoggin
WHITTEMORE of Somerset

Representatives:
PLUMMER of Windham
BURNS of Whiting
HANLEY of Gardiner
LONG of Sherman
MORISSETTE of Winslow
SANDERSON of Chelsea

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.
Signed:
Senator:
GERZOFSKY of Cumberland

Representatives:
BLODGETT of Augusta
CLARKE of Bath
HASKELL of Portland
LAJOIE of Lewiston

READ.
On motion of Representative PLUMMER of Windham, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-331)** was **READ** by the Clerk and **ADOPTED**.
Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.
Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-331)** and sent for concurrence.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Modify the Requirement of a Permit To Carry a Concealed Weapon"

(H.P. 488) (L.D. 658)

Signed:
Senators:
MASON of Androscoggin
GERZOFSKY of Cumberland
WHITTEMORE of Somerset

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-329)** on same Bill.
Signed:
Representatives:
BURNS of Whiting
LONG of Sherman

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

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-322)** on Bill "An Act To Fund the Screening and Early Detection Elements of the Statewide Cancer Plan"

(H.P. 915) (L.D. 1224)

Signed:
Senator:
CRAVEN of Androscoggin

Representatives:
STRANG BURGESS of Cumberland
EVES of North Berwick
MALABY of Hancock
PETERSON of Rumford
SANBORN of Gorham
STUCKEY of Portland

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

Signed:
Senators:
McCORMICK of Kennebec
FARNHAM of Penobscot

Representatives:
FOSSEL of Alna
O'CONNOR of Berwick
SANDERSON of Chelsea
SIROCKI of Scarborough

READ.

Representative STRANG BURGESS of Cumberland moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Strang Burgess.

Representative **STRANG BURGESS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is probably the first of a few to come here, but this is part of my cancer or anticancer agenda bills, I guess. I'd like to think that I've peppered you with enough statistics, that cancer is the number one killer in the State of Maine and that needs to stop.

The 200 some odd organizations come together every year and every five years they do an update of the comprehensive statewide Maine Cancer Control Plan, and it involves a number of different priorities that are determined by the scientific data of cancer detections and cases here in our state. It is almost every health care organization that participates in developing this plan.

This bill attempts to put some amount of funding towards the implementation of that plan. For the purpose of this bill, there is a $2 million fiscal note. It was originally set to be part of the Fund for a Healthy Maine. That part has been stripped from the bill. It does not direct it to get funding from any particular place but for the General Fund. I know as well as everybody else knows that money is very tight. However, I would ask for the House's strong consideration to pass this bill as a public policy and health policy statement, and that if it was lucky enough to make it through the bodies, it would live to fight another day in Approps.

Someday we will be able to take action on the number one killer in our state and educate our Maine citizens how to prevent cancer and how to screen for it to catch it early, because as you all hopefully know early detection does save lives and saving lives early in the process also costs us a lot less money. We will spend many hundreds of millions of dollars this year, something like $660 million this year, treating cancer in this state, so it is a huge cost to us. So I am asking for your consideration for this bill and would appreciate your support. Thank you very much.

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

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

The SPEAKER: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In committee, this was a very difficult bill for us, for we know how important this subject is to the sponsor. However, I voted Ought Not to Pass in committee.

In Health and Human Services this year, we were faced with many difficult decisions – stripping funds from the Fund for a Healthy Maine which help to fund our home visitation programs, other services which are vital to people in our communities – and many of us felt at this time that it was inappropriate to advance a bill which was going to require a fiscal note of $2 million to fund a new program at this time. We felt very strongly that if there is money left on the table at the end of the year when Appropriations got their work done, that maybe some of this money needed to go back into some of the vital programs for which we had already removed some of the funds. I am going to be standing in opposition to this and I hope you will follow my light.

The SPEAKER: The Chair recognizes the Representative from North Berwick, Representative Eves.

Representative **EVES**: Thank you, Mr. Speaker. I wanted to rise and to speak briefly to this bill. We heard great testimony, good reasons why we should do this. You've heard them reiterated this morning from the sponsor. Relating to the funding issue, I think we all have grappled with that a little bit in terms of in the context of the budget cuts that we're seeing, both to the Fund for a Healthy Maine and General Fund cuts. That presented a dilemma for us.

But what we decided to do, which was consistent with what we've done in prior legislatures, is vote this out of committee on the basis of public policy. Do we want to support cancer screening in the State of Maine? I can't imagine that we don't. When this gets to the Appropriations table, that discussion will happen.

As we know, we're in budget negotiations right now and money comes and money goes, but I think we have a lost opportunity if we, in committee and here, cut this short. I would ask that we vote to let this move forward, support the wishes of the sponsor and many others in this state including myself. Thank you, Mr. Speaker.

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. 79

YEA - Ayotte, Beaudoin, Beavers, Beck, Beliveau, Berry, Black, Blodgett, Boland, Bolduc, Briggs, Bryant, Burns DR, Cain, Carey, Casavant, Celli, Chapman, Chipman, Clark H, Clark T, Clarke, Cornell du Houx, Crafts, Cray, Crockett, Cushing, Damon, Davis, Dill J, Dion, Dow, Driscoll, Duchesne, Dunphy, Eberle, Eves, Fitts, Fitzpatrick, Flemings, Flood, Foster, Fredette, Gilbert, Goode, Graham, Guerin, Harlow, Harmon, Harvell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Kaenrath, Kent, Keschl, Knapp, Knight, Kruger, Kumiega, Lajoie, Longstaff, Lovejoy, Luchini, MacDonald, Maloney, Martin, Mazurek, McCabe, Morrison, Nelson, O'Brien, Olsen, Peoples, Peterson, Pilon, Prescott, Priest, Rankin, Richardson W, Rochelo, Rosen, Rotundo, Russell, Sanborn, Shaw, Stevens, Strang Burgess, Stuckey, Theriault, Timberlake, Treat, Turner, Tuttle, Valentino, Volk, Wagner R, Webster, Welsh, Willette A, Willette M, Wood.

NAY - Beaulieu, Bennett, Bickford, Burns DC, Chase, Cotta, Curtis, Edgecomb, Espling, Fossel, Gifford, Gillway, Hamper, Hanley, Johnson D, Johnson P, Libby, Long, Maker, Malaby, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Newendyke, O'Connor, Parker, Parry, Picchiotti, Plummer, Richardson D, Rioux, Sanderson, Sarty, Sirocki, Tilton, Waterhouse, Weaver, Winsor, Mr. Speaker.

ABSENT - Cebra, Haskell, Wintle.

Yes, 105; No, 42; Absent, 3; Vacant, 1; Excused, 0.

105 having voted in the affirmative and 42 voted in the negative, 1 vacancy with 3 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-322)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-322)** and sent for concurrence.

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act Regarding Contracts Awarded by the Maine State Housing Authority for the Installation or Servicing of Energy-efficient Appliances in Low-income Households"

(H.P. 885) (L.D. 1194)

Signed:
Senators:
RECTOR of Knox
MARTIN of Kennebec

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-326)** on same Bill.

Signed:
Senator:
JACKSON of Aroostook

READ.

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

CONSENT CALENDAR
First Day

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

(H.P. 1138) (L.D. 1551) Bill "An Act To Clarify and Update the Laws Related to Health Insurance, Insurance Producer Licensing and Surplus Lines Insurance" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass**

(H.P. 229) (L.D. 285) Bill "An Act To Require That the Secretary of State Certify the Qualifications of Candidates for Legislative Office" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-341)**

(H.P. 274) (L.D. 348) Bill "An Act To Continue Limited Entry in the Scallop Fishery" (EMERGENCY) Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-333)**

(H.P. 837) (L.D. 1125) Bill "An Act To Implement the Recommendations of the Joint Standing Committee on State and Local Government To Make Necessary Changes to the Maine Administrative Procedure Act" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-334)**

(H.P. 1077) (L.D. 1468) Bill "An Act Concerning Technical Changes to the Tax Laws" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-336)**

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.

ENACTORS
Emergency Measure

An Act To Improve Access to Veterinary Medicine and Improve Veterinary Care

(S.P. 431) (L.D. 1391)
(C. "A" S-123)

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. 128 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 Foster Energy Efficiency Improvements and Other Needed Renovations at Residential Care Facilities Funded by MaineCare

(S.P. 219) (L.D. 790)
(C. "A" S-127)

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

On motion of the Representative CURTIS of Madison **TABLED** pending **FINAL PASSAGE** and later today assigned.

Acts

An Act To Increase the Availability of Lead Testing for Children

(S.P. 89) (L.D. 300)
(C. "A" S-129)

An Act Relating to Inspection Requirements for New Motor Vehicles

(S.P. 141) (L.D. 437)
(C. "A" S-121)

An Act To Review State Water Quality Standards

(S.P. 148) (L.D. 515)
(C. "A" S-130)

An Act Relating to Sales Tax on Certain Rental Vehicles

(S.P. 191) (L.D. 611)
(C. "A" S-126)

An Act To Modify the Process Regarding the Return of Unfit Tobacco Products

(S.P. 198) (L.D. 617)
(C. "A" S-125)

An Act To Promote the Establishment of an Adult Day Health Care Program for Veterans in Lewiston

(S.P. 277) (L.D. 873)
(C. "A" S-128)

An Act To Speed Recovery of Amounts Due the State

(S.P. 336) (L.D. 1103)

An Act To Amend the Laws Governing Security Deposits of Workers' Compensation Self-insurers

(S.P. 404) (L.D. 1301)

An Act To Amend the Laws Governing the Address Confidentiality Program

(S.P. 407) (L.D. 1310)

An Act To Require the Department of Health and Human Services To License Families To Provide Care for Children in Foster Care

(S.P. 411) (L.D. 1334)

An Act To Amend the Nonresident Income Tax Filing Requirements

(S.P. 446) (L.D. 1440)
(C. "A" S-134)

An Act To Update and Improve Maine's Laws Pertaining to the Rights of Persons with Intellectual Disabilities

(S.P. 495) (L.D. 1548)

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.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

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 yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (11) **Ought to Pass as Amended by Committee Amendment "A" (H-281)** - Minority (2) **Ought to Pass as Amended by Committee Amendment "B" (H-282)** - Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Amend the Laws Governing Significant Wildlife Habitat"

(H.P. 765) (L.D. 1031)

TABLED - May 19, 2011 (Till Later Today) by Representative HAMPER of Oxford.

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

The SPEAKER: The Chair recognizes the Representative from Oxford, Representative Hamper.

Representative **HAMPER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'd like to give a brief explanation of LD 1031. Basically there is three provisions in here that are very key, the first being if a vernal pool depression is bisected by a property boundary – that is what is referred to commonly as a straddler pool, only that portion of the vernal pool depression. At any rate, we dealt with the straddler pools in this bill.

Second, artificial vernal pools are, with this piece of legislation, exempted from regulation except if they were put in as they were a connection with a compensation project, as in you had a vernal pool and you needed it moved in order to continue a program, that artificial pool would not be exempted.

Third is what's referred to as dryout dates. We corrected some language having to do with dryout dates. What this bill does not do – and I repeat, does not do – it does not affect the setbacks on significant vernal pools. We did not address that in this bill.

So basically three things and that is the straddler pools, artificial vernal pools, and time periods are all addressed within this bill. Thank you, Mr. Speaker.

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

Representative **DUCHESNE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Pop quiz: What is the setback on vernal pools in this state? The answer is zero. For 80 percent of the vernal pools in this state, it is zero. That is much more lenient than most other states.

For the best of the best, those significantly proven to be significant, only about 20 percent of the pools, that's a flexible 250 feet back that allows some development. It even allows complete bulldozing under certain circumstances.

It took the Army Corps of Engineers a long time to get comfortable with Maine's flexible approach and its lenient approach on vernal pools. The Corps has made it very clear to the committee – and the majority of the committee understood this – that if Maine regulates less than it currently does, the Corps will regulate more and we won't like it.

I stand with my House Chair on this one. We did fix some things that I think did concern landowners. There was regulatory fuzziness there that required some repair from the committee. We did that in this report and we do really appreciate your support on this Majority Report. Thank you very much.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-281)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-281)** and sent for concurrence.

Bill "An Act To Make Voluntary Membership in a Public Employee Labor Organization in the State"

(H.P. 251) (L.D. 309)

TABLED - May 17, 2011 (Till Later Today) by Representative CURTIS of Madison.

PENDING - **FURTHER ACTION**.

Representative MARTIN of Eagle Lake moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

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

Representative **MARTIN**: Thank you, Mr. Speaker. Mr. Speaker, this bill and the next bill appear on our calendar having been taken out of the committee and put on the floor without a hearing, and now I hear rumors that now a bill, this bill and not the other bill, is now going to go to a hearing to be held sometime next week. We've reached the point in the session where I believe the time has come to dispose of this bill. Nothing has changed, nothing will change, and so I urge everyone to vote for the motion to Indefinitely Postpone. When the vote is taken, I request it be taken by the yeas and nays.

Representative MARTIN of Eagle Lake **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of the Bill and all accompanying papers. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 80

YEA - Ayotte, Beaudoin, Beavers, Beck, Beliveau, Berry, Blodgett, Boland, Bolduc, 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, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Kaenrath, Kent, Kruger, Kumiega, Lajoie, Longstaff, Lovejoy, Luchini, MacDonald, Maloney, Martin, Mazurek, McCabe, Morrison, Nelson, O'Brien, Peoples, Peterson, Pilon, Priest, Rankin, Richardson D, Rochelo, Rotundo, Russell, Sanborn, Shaw, Stevens, Stuckey, Theriault, Treat, Tuttle, Valentino, Wagner R, Webster, Welsh.

NAY - Beaulieu, Bennett, Bickford, Black, Burns DC, Burns DR, 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, Harvell, Johnson D, Johnson P, Keschl, Knapp, Knight, Libby, Long, Maker, Malaby, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Newendyke, O'Connor, Olsen, Parker, Parry, Picchiotti, Plummer, Prescott, Richardson W, Rioux, Rosen, Sanderson, Sarty, Sirocki, Strang Burgess, Tilton, Timberlake, Turner, Volk, Waterhouse, Weaver, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

ABSENT - Cebra, Wintle.

Yes, 74; No, 74; Absent, 2; Vacant, 1; Excused, 0.

74 having voted in the affirmative and 74 voted in the negative, 1 vacancy with 2 being absent, and accordingly the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers **FAILED**.

On motion of Representative MARTIN of Eagle Lake, **TABLED** pending **FURTHER ACTION** and later today assigned.

CONSENT CALENDAR
First Day

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

(H.P. 594) (L.D. 787) Bill "An Act To Establish an Elder Victims Restitution Fund" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-343)**

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

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-271)** - Minority (5) **Ought to Pass as Amended by Committee Amendment "B" (H-272)** - Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Promote the Hiring of Seasonal Workers"

(H.P. 829) (L.D. 1117)

TABLED - May 19, 2011 (Till Later Today) by Representative PRESCOTT of Topsham.

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

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

Representative **TUTTLE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I hope that you will defeat the pending motion. This bill changes from five weeks to seven weeks the amount of time an employer may employ an employee without being charged for unemployment benefits.

They list testimony in opposition to this bill. Essentially there were concerns from the Chamber of Commerce. While we might help a few seasonal employers, it would negatively impact how it would affect the assessment for your full-time employers. If this legislation had been in effect this year, it essentially would have meant an additional $3 million more in benefits that would have been paid by full-time employers. You have to realize that in the Unemployment Trust Fund, all employers pay in and if you would help one side, the seasonal side, you would directly impact the majority of the employers in the state.

What I am hoping to do is defeat this motion and support the majority, which would have a working group to meet over the summer where we could meet together with interested parties and craft some policy that would make commonsense and we would pursue caution. If you have any questions, just call members of your chamber of commerce. They spoke loud and clear against doing this and I hope that you will listen to the majority of the employers of the State of Maine.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is my bill and is this primarily a farm-related bill. This is a bill which allows, in part, farmers to hire seasonal workers. The issue is that the current law says you have five weeks within which you can hire a seasonal worker and once you go over five weeks in one day, then you have to start paying unemployment on that individual.

What happens is our farmers go out and they hire someone and they train them and they get to fours weeks and six days and they let them go because they don't want to have to pay that unemployment. They lose a trained individual and given the farming industry today you have great downs, you have weather, and there is a lot of factors when you cannot get a harvest down, whether it is blueberrying, whether it is potatoes and what not.

This bill is primarily a farm-related bill, but it is also a bill which helps a lot of people who would like to work primarily, say for example, during the Christmas season for L.L.Bean. L.L.Bean can hire people for five weeks. Maybe there are some moms or some dads at home that want to work for a bit so they want to go pick up some extra cash, so they go to work for L.L.Bean and L.L.Bean can hire them for five weeks and not have to worry about that whole unemployment issue.

This allows that period of time to go from five weeks to seven weeks. There was another bill in this session that was reported out of the committee Ought Not to Pass which would have changed it from five weeks to ten weeks. This bill is actually a compromise bill where we're really only going incrementally from five weeks to seven weeks.

My understanding is this is not a new issue. This is a bill that comes up sort of year after year and, quite frankly, the Chamber of Commerce did not elect me to the Maine House of Representatives. I am not going to call the Chamber of Commerce and ask how I should vote. I'm going to talk to the farmers in my district on how I should vote. I'm going to talk to

my small businesses on how I should vote. This is an issue that's been around for awhile. Let's take some action on it. Let's help Maine farmers. Let's help people that want to work a few extra weeks during the Christmas season so they can buy Christmas presents for their family. I'm going to ask you to follow my light in voting to accept the Minority Ought to Pass. Thank you.

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

Representative **CLARK**: Thank you, Mr. Speaker. May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **CLARK**: Mr. Speaker, I was wondering, you're talking about seven weeks. I was wondering if anybody could answer is that consistent during the year? How many times can you use that seven weeks during the year? Can you use it every seven weeks out of 52 weeks to keep somebody from being employed full-time or has it just been used a couple of times of year? Can someone please explain that to me?

The SPEAKER: The Representative from Millinocket, Representative Clark, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Mr. Speaker, that was a good question. That is one of the reasons why the majority wanted to be able to look at this over the summer and study options like this. I'm very cautious about pursuing things without actually reviewing all the issues.

As far as farming, I would agree with the good Representative. My family of farmers, we have concerns with the farmers and also the seasonal workers. But I think that before we pass legislation, I want to proceed with caution, study it over the summer, come back with a good bill to resolve the concerns of the good Representative Fredette and others on this issue. I'd ask that we do caution, do it with time so that we can come back with a better bill next session. I would request a roll call and I would ask that you vote against this.

Representative TUTTLE of Sanford **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought to Pass as Amended** Report.

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

The SPEAKER: The Chair recognizes the Representative from Turner, Representative Timberlake.

Representative **TIMBERLAKE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As you might have heard somewhere along the way, I am a farmer. I am an apple grower and we hire people in the fall from anywhere to six to eight weeks every fall and we have to be very careful that we don't exceed this five week mark. I would have much rather seen a 10 week, it didn't get it, seven weeks of work.

But it's very crucial to some of us that are in that industry where we have a short harvest period, would like to bring people on, give them good paying jobs and keep them. But we have to be careful and let them go either a week early before we're finished or hire a week late and we get behind. We have to jockey people around.

This is about the business in the State of Maine and it is going to keep more people working, let them make more money, and we all contribute to that unemployment bank every day. I encourage you to vote with me and my light for us to pass this bill, and it is once a year, I think, on the seven weeks.

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

Representative **PRESCOTT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The Labor, Commerce, Research and Economic Development Committee discussed this bill not once but twice because we had the same bill come to us. It probably should have been married together into one, but that didn't happen. So we heard this with the weeks being 10 weeks for the first bill. Then it came around the second time, Representative Fredette's bill, which he had offered eight weeks, and the committee discussed it in detail and we heard all the details and a couple of things came out of that.

First of all, this would be once a year. It is replacing the current language of five weeks and replacing it with seven weeks. Seven weeks was the compromise, down from 10 weeks to eight, and now we are extending it by two weeks. That means that employers can keep those employees for seven weeks without being charged for that unemployment. This is a compromise. Their experience rating would not be affected. If they worked seven weeks and one day, then it would be affected. Let's look at the Christmas season just as an example. You've heard about farmers, but I believe that Reny's was one of the people that came up and supported this bill. Christmas seasons have changed, so I look at this as an updating of some legislation that is desperately needed. We're going to be putting people back to work. They are being employed for two more weeks. That's it. If they were collecting unemployment, they go back to where they were and that business that actually put them to work isn't hurt by that. I urge you to please accept the Minority Ought to Pass as Amended as a compromise. Thank you.

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

Representative **DOW**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill is completely divided in its report. It doesn't have anything to do with party lines. The issue is so complicated. The Majority Report asks for a Resolve to study it. My feeling is even if we change it from five to seven weeks, the bill is going to keep coming back to us. Even if we have a Resolve and study it and come up with a possible solution or new solution or no solution, it is still going to keep coming back to us every two years. I would urge you to vote no and accept the Majority Ought to Pass Report and at least let some groups take a look at this perennial bill which keeps popping up over and over again. Thank you.

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

Representative **HUNT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is an issue that we need to be careful with. Unemployment insurance affects all employers and this bill really does pit business against business. It's not business against management or management against labor or labor against management. This is business against business. By doing this, this would really help short-term employers.

Let's look at the other side of the spectrum: Long-term employers would have to foot the bill for longer. Long-term employers would have to foot the bill for longer, so there are winners and losers in this case. That's why I think it's prudent that we analyze this and see if we can come up with something that's in the middle of somewhere, but you know we want our long-term employers. We want long-term employers and there are a whole bunch more of those than there are short-term employers, and so I would rather side with the long-term employers as opposed to the short-term employers. I hope I urge you not to pass the Minority Report and let's move on to the Resolve. Thank you very much.

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

Representative **DRISCOLL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to say we always look at changes in workers' compensation laws very carefully. They went through a major revision in '92 and so I don't think it's unreasonable to try to bring groups together, which I think a lot of times in this committee we do try to do around workers' compensation issues, especially if we feel one group of employers or employees are going to be affected more adversely than another group.

It's always better to get the groups to work together and we did see that in the committee testimony, that farmers such as smaller employers, seasonal employers, such as Representative Fredette had mentioned, from Newport, and there were the larger employers who seem to be on the other side of this issue. I think it's better for them to come together and try to come to some resolve around the issue. I'm not sure that that's what happened and I don't remember, Representative Fredette from Newport had mentioned L.L.Bean specifically, I don't remember getting any written testimony or hearing from anybody specifically at L.L.Bean on this specific piece of legislation. However, I certainly would love to have their input or whoever might be representing them. I think they should get together and come up with a better alternative. Thank you very much, Mr. Speaker.

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

Representative **PRESCOTT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just a few more quick points. Seven weeks would give your employer two more weeks to get to know that employee. That could potentially lead to a longer term job. That's one point to consider.

The other one is that stay-at-home moms, college children, kids, anybody who is working part-time that wasn't collecting unemployment, that maybe that's just the one time of year they like to work, can now work for seven weeks instead of five without having that employer be hurt by that. Think about that: Two more weeks of employment. That would certainly take care of that $10 that we were talking about yesterday on another bill. Thank you.

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

ROLL CALL NO. 81

YEA - Ayotte, Beaulieu, Bennett, Bickford, Black, Burns DC, Burns DR, Cebra, Celli, Chase, Clark T, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, 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, Maloney, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Newendyke, O'Connor, Olsen, Parker, Parry, Picchiotti, Plummer, Prescott, Richardson W, Rioux, Rosen, Sanderson, Sarty, Sirocki, Strang Burgess, Tilton, Timberlake, Turner, Volk, Waterhouse, Weaver, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

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

ABSENT - Harvell, Wintle.

Yes, 75; No, 73; Absent, 2; Vacant, 1; Excused, 0.

75 having voted in the affirmative and 73 voted in the negative, 1 vacancy with 2 being absent, and accordingly the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "B" (H-272)** was **READ** by the Clerk and **ADOPTED**.

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

Subsequently, the Bill was assigned for **SECOND READING** later in today's session.

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-274)** - Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Amend the Laws Governing the Ground Water Oil Clean-up Fund"

(H.P. 501) (L.D. 671)

TABLED - May 19, 2011 (Till Later Today) by Representative HAMPER of Oxford.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT**.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-274)** was **READ** by the Clerk.

Representative HAMPER of Oxford **PRESENTED House Amendment "A" (H-314)** to **Committee Amendment "A" (H-274)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Oxford, Representative Hamper.

Representative **HAMPER**: Thank you, Mr. Speaker. LD 671, "An Act To Amend the Laws Governing the Ground Water Oil Clean-up Fund," which is a fund from tax on oil that is sold in this state and used to clean up spills. The amendment removes the cap on disbursements that was put in the original bill. The department came to us and said that was no longer necessary, therefore the amendment. Thank you, Mr. Speaker.

Subsequently, **House Amendment "A" (H-314)** to **Committee Amendment "A" (H-274)** was **ADOPTED**.

Committee Amendment "A" (H-274) as Amended by House Amendment "A" (H-314) thereto was **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-274) as Amended by House Amendment "A" (H-314)** thereto and sent for concurrence.

On motion of Representative CUSHING of Hampden, the House **RECONSIDERED** its action whereby it voted to **ACCEPT** the Majority **Ought Not to Pass** Report on Bill "An Act To Amend the Laws Governing the Maine Health Data Organization Relating to Retail Pharmacies "

(S.P. 164) (L.D. 572)

On further motion of the same Representative, **TABLED** pending **ACCEPTANCE** of the Majority **Ought Not to Pass** Report and later today assigned.

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (11) **Ought Not to Pass** - Minority (2) **Ought to Pass as Amended by Committee Amendment "A" (H-277)** - Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Resolve, To Study Motor Fuel and Fuel Additives and To Explore Alternatives to Ethanol Motor Fuel (H.P. 636) (L.D. 839)

TABLED - May 19, 2011 (Till Later Today) by Representative HAMPER of Oxford.

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

Representative O'CONNOR of Berwick **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 Berwick, Representative O'Connor.

Representative **O'CONNOR**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think it is important to point out the absolute foolishness of this failed "renewable" energy ploy. In fact many studies were done and the conclusion was and continues to be that corn ethanol production is wasteful of fossil fuel resources and does not increase energy security; furthermore, as we see increased ethanol production we see increased degradation of vital land and water resources as well as increased health risks. So why do we keep beating this horse?

A short walk through history takes one to the Iowa Presidential Primary where Al Gore, and pardon my bluntness, purchased the corn farmers. Along comes the booming ethanol industry bought and paid for with infusions of government subsidies and imagine that, the tradition continued with George W. Bush and now continues with President Obama dishing billions of dollars annually of taxpayer money to the corn belt to produce ethanol as a fuel additive. Ethanol as a renewable energy source is not a wise choice. I dare say many know it is a colossal waste, yet no one seems to stand up and say enough is enough and put an end to the government boondoggle.

Few consumers are aware of how big the ethanol industry has grown in such a short period. Ethanol consumption of corn has soared from 1.6 billion bushels in 2006 to an anticipated 4.3 billion bushels this year. Ethanol's share of our total corn crop has skyrocketed from 14% to 33% during the same period. Corn grown for ethanol now occupies 10% of the total arable land in the US and the powers that be in Washington want to increase the amount in our fuel from 10% to 15%. I have thought perhaps this has something to do with the scheme to sell carbon credits, but that is a different issue for a different day.

The fact is that farming to grow corn for ethanol production requires the burning of a lot of fossil fuel which dramatically destroys ethanol's efficiency. The fact is that it takes 133,000 BTUs of fossil fuel energy to get 77,000 BTUs for ethanol energy. Then imagine that it takes nearly 7 times more cropland to fuel one average car going 10,000 miles per year than it does to feed one American.

As if the aforementioned were not bad enough, due to its highly corrosive nature, ethanol can not be shipped in existing steel pipelines like oil, natural gas, and gasoline. Ethanol must be shipped in stainless steel tanker trucks that burn fossil fuels.

Ethanol's impact on food prices has been huge. It is the sole reason why corn is trading at an all time high. If you add in the inflationary effects on downstream grain consumers, like the food manufacturers and the cattle industry, a global food crisis could be a major international political issue of the next decade and the fingers will point at the politicians who made the deals by which we suffer or will those politicians pin the blame on corporate greed of companies like Archer Daniels Midland. I'm not sure who is worse in this case, the law maker or the tax taker who continue the exploitation of the taxpayers who foot the bill for this disaster. Lest I forget to add in the other costs, which are the 45 cent blenders fee per gallon to oil companies who are forced to comply with this fiasco to the tune of about 5 billion dollars yearly.

Consider there are no tax dollars to subsidize the ethanol production industry, I estimate if this was the case we would see ethanol production for automobiles take a serious nose dive. In fact I dare say that the corn farmers might consider, actually consider, producing food, an actual tangible commodity. Alas, somewhere along the line common sense got sidetracked and the fact was overlooked that man who burns his food goes hungry.

Furthermore, the proposed increase from 10 to 15% ethanol in our fuel will increase the levels of Acetaldehyde significantly and will likely be in violation of the 1990 Clean Air Act. Acetaldehyde is a major precursor to peroxyacetyl nitrate and is a major eye irritant in smog.

Acetaldehyde is also a strong respiratory irritant and toxicant, especially dangerous for children and adults with asthma. As demonstrated by a recent study, acetaldehyde air pollution is already presents greater than a one-in-one-million cancer risk at most sites nationally. Further increases in acetaldehyde could lead to increased cancer incidence and wider prevalence of respiratory problems.

The bottom line here is corn ethanol as a renewable energy source is a science and engineering joke, it is not common sense energy policy, never mind wise environmental policy or good health policy, and I encourage you to follow my light. Thank you.

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 am almost surprised to be rising to address the subject of ethanol subsidies, but I do so because I have also looked at the issue over the years and some time ago reached a very similar conclusion to the good Representative from Berwick. Ethanol has not served us well. It has not served us well environmentally, economically, and politically. It is an unfortunate happenstance of American national politics that whenever we have a presidential election all the candidates have to line up in the corn growing state of Iowa and, in recent years, pledge their fealty to ethanol. The only comment I would say is that the number of people who have gone that route is large and has been exceedingly bipartisan.

The fact is ethanol gave Maine something else that was unfortunate and that was MTBE. Way back early on ethanol and MTBE were a major battleground in Washington, D.C. Several oil companies convinced Congress that if Congress was going to allow ethanol it should also allow MTBE. What resulted from that was actually many thousands of contaminated wells, including many residents of Maine.

I do think that the country should get off the use of ethanol as an additive. I've felt this way for a very long time. It is dubious data showing that it does much to clean the air. The responsible parties were mentioned at least in one regard and that was the

company Arthur Daniels Midland, but also other agra giants including Cargill, and they have led us astray. That said I'm not so sure that the bill proposed would get the result that was sought and I wouldn't second guess the judgment of the members of the committee that determined that the majority vote would be Ought Not to Pass. I thank you for the opportunity to address this subject.

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

Representative **AYOTTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Of all the issues that my constituents expressed concern over, ethanol and gasoline has to be in the top five. Aroostook County, as many of you know, is a rural county with long winters. Many people rely on small engines such as snow blowers, snowmobiles, ATVs, and in the summer lawnmowers, rototillers and other small engines. Because of the 10 percent ethanol blended into the gasoline, this has caused much damage to the pistons, valves, and fuel injection systems in many of these small engines. Looking at photographs and internal small engine parts, one can easily see the tremendous problem caused by ethanol.

Ethanol is a carbon string compound and more carbon causes problems. This results in high engine repair costs, rough running engines, and it is extremely problematic. It causes higher breakdown time and can be a major nuisance. By the way, I would like to mention that the blending ethanol with gasoline takes place right down in the Portland terminal. It is my understanding that it is a very haphazard operation. There is no exact blending. It might be 14 percent, it might be eight percent. It is a haphazard blending. I spoke to some of the people who blend it. There is absolutely no reason why these gasoline companies cannot set aside a few thousand gallons for the people in Maine who want ethanol a free gasoline.

Furthermore, I live on the Canadian border and can go across the border to purchase ethanol, free gasoline, any day of the week. I do not believe that Representative O'Connor is asking too much to connect the stakeholder group to study how this can be accomplished right here in the State of Maine. If they can do it in New Brunswick just across the border, as a matter of fact my farm is on the Canadian border. About six miles from where I live you can go across the border and buy ethanol-free gasoline. It is done right down at the terminal in Saint John, New Brunswick.

Representative O'Connor, as I mentioned, is not asking too much to conduct a stakeholder group to study how this can be accomplished right here in the State of Maine. Incidentally, Representative O'Connor gave excellent testimony in committee along with excellent research and photographs and proved beyond a doubt that this is really an important issue.

Not to belabor the point, I am sure that many of you are fully aware, especially those of you on the Ag Committee, that much of our western prairies and vast farmlands of the Midwest have gone into the production of growing corn and wheat to be used not as food but in the production of ethanol, thereby causing the cost of food to increase to a great extent. But certainly, I want to make this clear, it has not caused the price of gasoline to decrease by one penny.

Furthermore, the effects are also felt by dairy farmers. Incidentally, ethanol, blended gasoline, decreases efficiency in motors, decreases mileage in vehicles, and causes much more pollution in the atmosphere. Why do we continue to use this ethanol gasoline when ethanol-free gasoline is an improvement in every way? Again, I applaud Representative O'Connor for bringing this issue forward and let us support her in this effort. It is one where you can actually be accountable to your constituents. 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 rise today in opposition to the pending motion. I don't know a lot about MTBE, ethanol and that other substance that I won't try to pronounce, but I know a little bit about small engines. I just want to give you a little bit, for those of you who may not know, a little beneficial information that I've gathered.

I have a lot of people in my county that have a lot of small engines, as probably most of you do, a lot of repair shops that have to keep the fishermen's' small engines going and this has been an incredible problem, the ethanol additive, for as long as I can remember since it has been added. Many, many, many engines have been ruined according to the mechanics by the additive and I've been there myself. My best chainsaw died last summer and I take good care of my equipment. You have to buy an additive for $15 a quart to try to counteract the ethanol in the gasoline, and most people will tell you it doesn't do any good but you buy it just in case.

I looked at the fiscal note on this bill. For what is being asked here, we're talking about $5,000. My one chainsaw is 10 percent of that, so you can imagine across the state what it's costing your constituents year in and year out, whether it is your lawnmower, it's your outboard, it's your ATV, your SUV, it's your power saw, it doesn't matter. Anything that is using this ethanol treated gasoline is subject to quitting on you at a second's notice. I would ask you to at least consider this. Why are we blindly obedient if we have the opportunity to do a study on this and we also have the opportunity to change the additive and allow some people to be able to buy gasoline without this additive in it, right here in Portland, Maine? Let's do it. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Strang Burgess.

Representative **STRANG BURGESS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is not a new question for us. It was a subject matter I was pleased to work on last session and none of you have heard from with this. We had three or four bills at that time. We learned a lot. We learned that ethanol has just been a nightmare for many, many, many people in Maine, especially folks that have special smaller engines, older engines, and where else in the world is good smart, frugal Maine people who make engines last forever? They are right here and any of those engines it is really quite problematic. It is very difficult for the marine industry. I met with some constituents from the islands last week and it is a subject matter they care very, very deeply about.

What I learned last session was that the problem really isn't distribution of getting an ethanol-free product. I stand not in favor of the current motion that is on the floor. We do need to do some more work on it. We need to put a little pressure on the situation. We've learned that there is a number of states now that are finding an ethanol-free product. My dream has been, last year, to find some independent service station owner who would be willing to convert back one of their pumps to some ethanol-free product, and I think people would beat a path to his door, he or she. We weren't successful with that because most service stations get their product from wholesalers and the wholesalers were making it very difficult to get the product here, and frankly it then becomes an issue of supply and demand. We have a population in our state that really does have a huge problem with this issue. Obviously there is some part of this problem that is further down in the country, down in D.C., that needs to work on it as well, and I believe that the tide is starting to turn and that conversations are being had. But we also need to be very

diligent on this subject here in Maine and to do whatever possibly we can to support finding a good source for an ethanol-free product and getting it available in our state and also helping individual businesses who would like to do that, if you will, fight city hall who is making it very difficult.

We have had a lot of discussions over the last couple of years with the different distributors. I do believe that they've tried to help us a little bit. I think that there is a little bit more that can be done on this subject. It is very costly this time of year when people get their boats, find that if they had put their boats away and didn't put the additive in they're going to have some real issues. Last year, I collected about 40 or 50 letters from citizens all over the State of Maine, each with a story about engine failure and engine issues, engines that were no longer able to work, and actually last summer I had the same situation in my boat. It is a really huge problem and to even think that people are talking to go to E15 is the really scary part and not to mention that we have the automotive world sports, sort of the hobby cars, all of the airplanes. I mean ethanol and airplanes do not get a long at all. They tend to just drop out of the sky. It is a huge problem and it really needs our attention, and I hope that you will follow my light and vote against the standing motion on the floor. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Damon.

Representative **DAMON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this initiative. It was just briefly touched upon but this, actually for some, is literally a matter of life and death. As a small aircraft pilot we have thousands of people around the State of Maine that fly airplanes. We all receive goods and services from these. Ethanol in a gas attracts water. As soon as you take off and climb to altitude the water freezes, shuts off the flow of fuel, and the airplane becomes some place looking to land.

Currently 100 low lead can be purchased at major airports, but that supply is running short and we have distributors that are now no longer able to distribute it. This has to change for the sake of all of those that fly and use light aircraft in the State of Maine. I thank you for your support.

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

Representative **DUCHESNE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. It is unanimous: We all hate ethanol. I've had a number of people in my caucus ask me, send me notes, wondering why the majority did not support the bill when in fact we all agree with the sponsor that ethanol is not serving us very well, is not serving the country very well, and Congress really ought to correct it. The problem is and the reason we voted no is because it is a federal issue. The Federal Government decided we were going to go down this road. We can't trump their federal law. We can study it locally, but it comes with a certain number of consequences.

The first is the $5,000 which is not insignificant. But more importantly the bill, as written, requires a bunch of stakeholders to get together. It requires the Public Utilities Commission, the Department of Economic and Community Development to be a stakeholder, the Department of Transportation and a bunch of other stakeholders. What the bill says is you guys go study this over the summer, spend the money, spend your time to study this and it's not going to make any difference because whatever results you produce doesn't trump the federal law.

So as a whole the committee completely agrees with the sponsor, we sympathize with the intent. We simply couldn't justify the use of the resources, both in terms of time and money for some high-level cabinet officials to actually go through with a study. We did decide we were going to send a letter as a committee to our congressional delegation and say, come on, get us out of ethanol, and that is where it stands. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Boland.

Representative **BOLAND**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the work of our Representative from Berwick and against the motion on the floor because I know that her work has been extensive and deep, and I think that we've got something to benefit from in moving from there to an expansion of that study. Thank you.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. I wasn't going to rise, but I actually have a question if I may pose it through the Chair?

The SPEAKER: The Representative may pose her question.

Representative **RUSSELL**: Thank you, Mr. Speaker. Representative Duchesne just talked about the federal piece to this and I guess my question then is it is my recollection that the feds had a hand in the MTBE as well and that Maine is the first state in the country to choose to opt out of allowing MTBE to be into our gasoline. So I am curious if we were able to do it then, is it possible for us to do it now, and if someone could explain that nexus that would be very helpful. I wasn't going to speak, but now I'm a little confused. Thank you.

The SPEAKER: The Representative from Portland, Representative Russell, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Berwick, Representative O'Connor.

Representative **O'CONNOR**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Although this is a federal issue and that is so, I think that the way that we can address this is by refusing this Majority Report and having our voices all heard and go to all of our Representatives in Washington to tell them the House and the other body in Maine want this situation addressed, they want it addressed now. We can't keep fooling around with this and I think that that's the way that we have to go about this, by having all of our voices heard and to be able to send out what hopefully is a motion against this. Still I ask you to follow my light.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Celli.

Representative **CELLI**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have to agree with my good colleague behind me that this seems like a waste of time and energy. Wouldn't it be more appropriate to go along with the majority and instead pass a Resolve to our delegation in Washington asking them to please alleviate us of this horrible additive to our gasoline? Would that not be more appropriate? Thank you.

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

Representative **TREAT**: Thank you, Mr. Speaker. I stand up to address the question that was posed by a colleague, the Representative from Portland, Representative Russell. In fact there was a very parallel situation. We were not actually able to completely ban MTBE from our gasoline. This situation involves regional supplies and so it really was very similar in that regard. We weren't able to completely get rid of it at the time that we wanted to. However, we did advocate with our federal delegation to change the rules and we did pass resolutions and other things designed to address that situation, and this, again, may be a parallel way to address the current one that we're facing.

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

Representative **KNAPP**: Thank you, Mr. Speaker. I am on the Environment and Natural Resources Committee. We heard this information two years ago and the concern for ethanol. I think instead of spending $5,000 when you vote on this motion you need to think about us just sending a letter to our delegation in Washington that is not as nearly as expensive and maybe all of us, both in the House and the other body, could sign that. Thank you.

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. 82

YEA - Beaudoin, Beavers, Beliveau, Berry, Bolduc, Cain, Carey, Celli, Chapman, Chipman, Clarke, Cornell du Houx, Dill J, Duchesne, Eberle, Eves, Flemings, Goode, Graham, Hamper, Harlow, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Kent, Knapp, Kumiega, Longstaff, Lovejoy, Luchini, MacDonald, Mazurek, McCabe, Moulton, Nass, Nelson, Parker, Peoples, Pilon, Priest, Rankin, Rochelo, Rotundo, Russell, Sanborn, Shaw, Stuckey, Treat, Valentino, Wagner R, Webster, Welsh.

NAY - Ayotte, Beaulieu, Beck, Bennett, Bickford, Black, Blodgett, Boland, Briggs, Bryant, Burns DC, Burns DR, Casavant, Cebra, Chase, Clark H, Clark T, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dion, Dow, Dunphy, Edgecomb, Espling, Fitts, Fitzpatrick, Flood, Fossel, Foster, Fredette, Gifford, Gilbert, Gillway, Guerin, Hanley, Harmon, Harvell, Johnson D, Johnson P, Kaenrath, Keschl, Knight, Kruger, Lajoie, Libby, Long, Maker, Malaby, Maloney, Martin, McClellan, McFadden, McKane, Morissette, Morrison, Newendyke, O'Brien, O'Connor, Olsen, Parry, Peterson, Picchiotti, Plummer, Prescott, Richardson D, Richardson W, Rioux, Rosen, Sanderson, Sarty, Sirocki, Stevens, Strang Burgess, Theriault, Tilton, Timberlake, Turner, Tuttle, Volk, Waterhouse, Weaver, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

ABSENT - Driscoll, Wintle.

Yes, 56; No, 92; Absent, 2; Vacant, 1; Excused, 0.

56 having voted in the affirmative and 92 voted in the negative, 1 vacancy with 2 being absent, and accordingly the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**.

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

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-277)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-277)** and sent for concurrence.

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

Reference was made to Bill "An Act Regarding the Attendance of Attorneys at Pupil Evaluation Team Meetings"

(H.P. 822) (L.D. 1110)

In reference to the action of the House on May 23, 2011 whereby it Insisted and Asked for a Committee of Conference, the Chair appointed the following members on the part of the House as Conferees:

Representative STRANG BURGESS of Cumberland
Representative RANKIN of Hiram
Representative JOHNSON of Greenville

The House recessed until 3:00 p.m.

(After Recess)

The House was called to order by the Speaker.

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

SENATE DIVIDED REPORT - Majority (9) **Ought Not to Pass** - Minority (4) **Ought to Pass as Amended by Committee Amendment "A" (S-138)** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Laws Governing the Maine Health Data Organization Relating to Retail Pharmacies"

(S.P. 164) (L.D. 572)

Which was **TABLED** by Representative CUSHING of Hampden pending **ACCEPTANCE** of the Majority **Ought Not to Pass** Report.

Representative CURTIS of Madison **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. 83

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

NAY - Ayotte, Beaulieu, Bennett, Bickford, 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, Foster, Fredette, Gifford, Gillway, Guerin, Hamper, Harmon, Harvell, Johnson D, Johnson P, Keschl, Knapp, Knight, Libby, Long, Maker, Malaby, McClellan, McFadden, McKane, Morissette, Moulton, Nass, 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, Wood, Mr. Speaker.

ABSENT - Driscoll, O'Brien, Priest, Sanborn, Wintle.

Yes, 69; No, 76; Absent, 5; Vacant, 1; Excused, 0.

69 having voted in the affirmative and 76 voted in the negative, 1 vacancy with 5 being absent, and accordingly the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-138)** 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-138)** in concurrence.

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

Bill "An Act To Make Voluntary Membership in a Public Employee Labor Organization in the State"

(H.P. 251) (L.D. 309)

Which was **TABLED** by Representative MARTIN of Eagle Lake pending **FURTHER ACTION**.

Representative CURTIS of Madison moved that the Bill and all accompanying papers be **COMMITTED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**.

Representative CAIN of Orono **REQUESTED** a roll call on the motion to **COMMIT** the Bill and all accompanying papers to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**.

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 Orono, Representative Cain.

Representative **CAIN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I have great frustration with the posture of this bill. Putting the policy aside, which I have great concerns about as well, the posture of the bill, to me, is frustrating.

This bill was brought in like any other bill. It was referred to a committee like any other bill, and like any other bill we waited for it to have a public hearing and then it didn't, and then it didn't some more, and then it still didn't and it appeared on the calendar again recently, pulled from committee under the rules with no clear understanding of why. It is now going back to committee and a public hearing has been scheduled for next week, from what I understand, should it get there.

I think we should defeat this motion and we should move on to the earlier motion and try again at Indefinite Postponement of this bill. This bill is bad policy that has now taken a very circuitous route to go back to where it started in the first place, again, with no clear explanation why. And so I urge the body to vote against this motion to Commit and move on to a motion to Indefinitely Postpone, so that we can do with this bill, we can keep this bill out of the process that it was pulled from in the first place without explanation. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Goode.

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

The SPEAKER: The Representative may pose his question.

Representative **GOODE**: Thank you. I just want to check with maybe members of the committee or people who are more intimately involved with the process. It seems to be that when there are more controversial or confusing bills, they are often held over to the second session, the short session. I was wondering if anybody could explain why this bill was not held over until next year, if the committee wasn't able to work on it this year and have the appetite to do so.

The SPEAKER: The Representative from Bangor, Representative Goode, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Thank you, Mr. Speaker. Mr. Speaker, may I pose a question to anyone who may care to respond?

The SPEAKER: The Representative may pose his question.

Representative **MARTIN**: Since this bill has been on the table, I would pose a question as to what has changed and why are we suggesting now that it go to committee? I'd ask someone to respond to that question.

The SPEAKER: The Representative from Eagle Lake, Representative Martin, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: The silence is deafening and obviously there is a motive for going to committee at this point since it was taken out of the committee and brought to the floor. So I wonder what is the game that is being proposed for us today and why is it now that this proposal is being made?

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

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

The SPEAKER: The Representative may pose his question.

Representative **BERRY**: Thank you, Mr. Speaker. It is my understanding that a bill on a fairly substantial issue was heard last week by the Education Committee and I'm concerned that this bill may suffer a similar fate.

At that hearing, essentially two members were present. They were both members of the other body. This body was not represented at that hearing. Subsequent to that hearing a work session was held where there was a 27-page amendment put forward. The public had no opportunity to weigh in on that amendment.

I'm hoping that someone can give me some assurance that this bill, this late in the session, wouldn't suffer a similar fate, and that the public would be given the full opportunity to weigh in with all members of the committee having the opportunity to be there and not be here in the chamber.

The SPEAKER: The Representative from Bowdoinham, Representative Berry, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Buxton, Representative Hunt.

Representative **HUNT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'm just concerned about the whole process here. This bill was referred to committee on February 3rd and we've been working diligently all along. We've had public hearings. We've had over 100 bills. When we got to May, we were told to rush. Rush, rush, rush. Let's get this stuff done. We've got to get this stuff out. We worked later in the day. That was fine, I had no problem with that. We got everything out that we were supposed to get out because we wanted to be done on time.

Now I hear that the public hearing is to be on June 2nd. Let's look at the timeline. We're expected to be out of here June 8th. That's what I see on the calendar. We're going to have the public hearing on June 2nd, that's a Thursday. We're going to go over the weekend, we're going to have some sort of work session, hopefully, at some point, and we're supposed to talk about it for

two days and then adjourn. I just don't understand that. This is a fairly big piece of legislation. It deserves proper attention, it deserves proper vetting, and that timeline just doesn't make sense. That gives us six days. Six days to hear it, analyze it, digest it, talk about it, vote on it, send it back to the House, vote on it, send it down to the other body, vote on it, send it back in concurrence. This doesn't make sense. It seemed awfully rushed and I am concerned. I am alarmed.

I hear rumors that there is an amendment. I haven't seen an amendment. I can't even pre-educate myself. So I hope – I don't see why we're doing this. If it's something we really want to talk about, hold it over. We had that opportunity. I just don't understand. Thank you, Mr. Speaker.

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

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

The SPEAKER: The Representative may pose her question.

Representative **TREAT**: I have a question for anyone who may answer, Men and Women of the House, which is why this bill, having been referred to the committee in the early days of February, it was not scheduled for a public hearing, if anyone could answer that question.

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

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

The SPEAKER: The Representative may pose his question.

Representative **MacDONALD**: Given my sense of not knowing at all how this happened, in all the years that I've been here I've never seen this happen before, could anyone in the body answer why this was pulled from the committee in the first place and brought to the floor here? Thank you, Mr. Speaker. Why was it pulled?

The SPEAKER: The Representative from Boothbay, Representative MacDonald, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Lewiston, Representative Wagner.

Representative **WAGNER**: Thank you, Mr. Speaker. I want to express my dismay of what's going on here as well. We did have a substantial bill appear before the Education Committee a little over a week ago. There was a public hearing, the room was packed with people, and within about 15 minutes all members of the House had to disappear from this public hearing, return to the chamber, and those 100/150 people have to have been disappointed, perhaps really dismayed about the process taking place here. They had come to testify. We should have been there to be able to listen to them. It was a rushed process. We didn't end up coming up with a bill, but my fear is that it really did not receive the hearing that it should have and the consideration by us, and I'm afraid that's going to happen again. Thank you, Mr. Speaker.

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

Representative **TUTTLE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I also rise. I think the last time we started this bill I think we had to get the Civic Center because there were so many people that wanted to testify on it. You know I've always been a member, and I'm a former chair, of this committee and have always tried to be nonpartisan to a fault. You know I've paid my prices for that. But I can tell you that what I see here is something, you know it shouldn't happen. I'm wondering, you know we've got a small room down there, we've got a small room, and I'm wondering whether we're going to be able to get the people there. I think from a logistics perspective, I just think, in all honesty, there could be a much better way. And I think that when we go home we don't only represent Republicans and Democrats, we represent the people of Maine. I think by doing this, we do them a disservice.

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

Representative **CUSHING**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I wish to express my thanks to the members of the body who have just spoken on this and raised their concerns.

I think it's valid that we have a fair and open debate here, and, in this particular instance, that's precisely what is lacking. There has not been a public hearing to offer an opportunity for members of the public to express themselves on this issue. Unfortunately, due to various circumstances, this bill ended up back on our calendar due to the requirement of the rules. It perhaps would have been better to be in a different posture, but it's here before us now and what we're asking of this body is to give due consideration as we ask of all bills that are brought in the first session. We're asking this body to send this back to the committee of jurisdiction for the courtesy of a public hearing.

I respect some of the concern with our schedule. I'm certain that those who are participating in other processes related to legislation before us also carry that weight, as does, I think, the Appropriations Committee. And we'll look forward to that spirit as we move forward with other issues of importance here, because I think many people in this body who have spent time here know the frustrations when we don't have the opportunity to clearly hear issues that affect the public. Thank you.

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

Representative **MARTIN**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House. Obviously we're not going to get the reason, so I will give you the reason. It is my understanding that this is the result of the administration, as a result of that attorney from New York or Washington or wherever he's from, in order to pass this to prevent state employees from negotiating on their rights. So by passing this bill, they would not need to sit at the table to negotiate fair share and other issues. Why we're not being told that, I don't know, but that is the reason. So for those of you who support state employees, you've got to know the purpose of what we're doing now. It is that simple.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Goode.

Representative **GOODE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I want to oppose sending this back to committee. I feel like none of the questions have been answered sufficiently at this time and while I respect my colleague from Penobscot County, Representative Cushing, I'm very concerned about the public having time to weigh in on this bill. It seems to be that there's a pattern of not giving the public time to understand issues that we're dealing with before we vote on them, and it's very troubling to be told that having a hearing on June 2nd and potentially voting on the bill on June 8th is due consideration.

I think members of this body who are involved full-time on an intimate level on this issue, we can maybe understand in a few days, but there is obviously major concern from the public on this type of issue. And to have such a quick turnaround time seems consistent with the pattern of the Legislature to move things very quickly, without having members of the public understand what

the issues are before we're voting on them and have time to have their voices heard. So I will be opposing sending this back to committee.

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. I think I may be the only member of my caucus to not be shocked by this. Essentially, this bill short-circuits the rights of public employees to collectively bargain and by waiting until the eleventh hour of our session here – we've been here for months – we are essentially short-circuiting the process by which we eliminate those rights, again, at the last minute.

I do not believe the public will have the proper opportunity to weigh in. I do not believe that while the sun is shining, that we are letting any sunlight into this body. But then again, why should this be any different than any other major substantial public policy that we have "debated" on the floor of the House? I want to thank folks for short-circuiting the rights of our public employees and I want to thank them for short-circuiting the process by getting there, because at least, for once, we are consistent. Thank you, Mr. Speaker.

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. It is my understanding that most bills that got committed to a committee should have two weeks notice, in public newspapers and things of that nature. If we commit this to the Committee on Labor, CRED, whatever it's called these days, there probably won't be all that much notice, if any, to the public about the public hearing. So I object to the motion. I object to the bill too, but the motion itself is also very objectionable to most people. I really think the public should be notified when we're going to have a bill with substance, such as this especially. Thank you.

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

Representative **EDGECOMB**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The good Representative from Orono can tell you, because we both served on the Education Committee in 2005, that a school consolidation bill was pulled from the Education Committee with no reason given. Thank you.

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

Representative **CAREY**: Thank you, Mr. Speaker. Fair and open debate. I thank the floor leader from Hampden for bringing exactly the issue that I'm concerned upon in this debate here. In fact, all three issues, fair and open debate. There is no debate here. There are questions that haven't been answered. There wasn't debate on a previous bill where the procedure wasn't followed, where the House Rules weren't followed. Open? What happened since the beginning of February?

The two-week lead time was mentioned. Again, all of these things go to the open process that we have here. Why are we doing committee work at the same time that session is going? Typically when a bill is referenced in February, it is worked in March, we do sessions for four hours a week so that we can focus on our committee work and give it the time and attention it deserves.

So I guess this raises a fair point. As I understand, the Representative had intended to answer the question of why are we dealing with this now? It is about a fair and open debate, it is about the process, it is about making sure that the people of Maine are represented by the people here. So I ask the Representative or any other Representatives or Mr. Speaker why we're dealing with this now. Thank you.

The SPEAKER: The Chair recognizes the Representative from Boothbay, Representative MacDonald.

Representative **MacDONALD**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I have to say as someone who has listened to previous debates in this chamber this year, that the sudden commitment to process and moving this bill back to committee rings hollow in light of what happened with LD 1333 a couple of weeks ago. I just don't get it.

I think that this late in the session, with notification problems and with the rush to get the budget through and other major bills that have been properly heard, the only proper action to take in this case is for this bill to be carried over and then maybe the majority can get what it wishes in this case. But if it goes through with a bad process, as it looks like is going to happen if we commit this to Labor, I think the bill will be forever stained by that bad process. I recommend, I plead with you, all in this chamber to stop this process now. Indefinitely Postpone or carry this bill over so that it can be dealt with properly. Thank you, Mr. Speaker.

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

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

The SPEAKER: The Representative may pose his question.

Representative **McKANE**: When this provision, this fair share provision was first enacted, did it have a separate public hearing or was it pushed through with a budget or an executive order?

The SPEAKER: The Representative from Newcastle, Representative McKane, has posed a question to anyone who may care to respond. The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Mr. Speaker, if I'm not mistaken, I think that the bill we're debating now is a Bill "An Act To Make Voluntary Membership in a Public Employee Labor Organization in the State." I don't know if that question pertains to the bill that's before us.

The SPEAKER: The Chair feels he's given wide latitude to the discussion on this issue, but thank you for raising the question. The Chair recognizes the Representative from Hallowell, Representative Treat.

Representative **TREAT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I oppose sending this bill to committee. This bill went to committee already in February where it sat for several months. I respect the points made by the Representative from Hampden that the public hearing is the opportunity to have the public weigh in and to have a fair hearing on it. The opportunity to do that was in February or in March or in April or in May. That was when there was the opportunity to do that.

The committee, having done nothing on that bill for whatever reason, fell under the Rule 309. Rule 309 says that "The President of the Senate and the Speaker of the House shall jointly establish reporting deadlines for all bills and resolves referred to committee and each committee shall, after receiving notice of the reporting deadlines, report its bills and resolves out of committee to the floor for consideration in accordance with those deadlines." So I have to ask, if I may, through the Speaker to anyone who may answer.

The SPEAKER: The Representative may pose her question.

Representative **TREAT**: What did the members of that committee or the chairs of that committee do in terms of communicating to the presiding officers that they were unable to meet the schedule, apparently, and what communications went

back and forth before the presiding officers invoked Rule 309 and took the bills out of committee, because they had not been through a public hearing and had not been worked.

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

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

The SPEAKER: The Representative may pose her question.

Representative **HASKELL**: Thank you very much, Mr. Speaker. It appears to me that this matter truly involves many of our state employees. If a state employee wished to request time off, personal time, in order to be available for a hearing, how far ahead of that would the state employee have to request that time off? It appears to me that if we rush this through, it might be precluding folks from the opportunity to get personal time off in order to be available to be heard in a fair and open manner. And I wonder if anyone knows the answer to the question about what it would take for a timeline for a state employee to have the personal time available, to come to the State House and be heard on this important matter to them?

The SPEAKER: The Representative from Portland, Representative Haskell, has posed a question through the Chair to anyone who may care to respond.

Representative MARTIN of Eagle Lake moved that the Bill be **TABLED UNASSIGNED**.

Representative CUSHING of Hampden **REQUESTED** a roll call on the motion to **TABLE UNASSIGNED**.

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

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

ROLL CALL NO. 84

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

NAY - Ayotte, Beaulieu, Bennett, Bickford, 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, 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, Wood, Mr. Speaker.

ABSENT - Driscoll, Priest, Wintle.

Yes, 70; No, 77; Absent, 3; Vacant, 1; Excused, 0.

70 having voted in the affirmative and 77 voted in the negative, 1 vacancy with 3 being absent, and accordingly the motion to **TABLE UNASSIGNED FAILED**.

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

Representative **McCABE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. It's interesting when we have these discussions so late in the session. Having been here before, you know it reminds me a little bit, the work we do at the end of session when we do rush, intentions are high. It reminds me a lot of like when I keep my children up late at night, keep them up past six thirty or seven o'clock without feeding them. I just question the work we do, rushed at the very end, and I compare it to sort of their mood as well. So I'll be voting against this.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Longstaff.

Representative **LONGSTAFF**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I won't repeat the questions and the comments that have already been made. I, too, am concerned about the process and simply would like to point out to my colleagues, thinking about fair and open discussion, that such notice as we will have to the public will take place over a major holiday weekend when most of the citizens of our state will be traveling and probably will never hear our announcement.

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

Representative **GRAHAM**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this motion, but I actually rise because I want to tell you how saddened I am that this body has taken this turn. Since 1333 was debated – or not – on the floor the partisanship is palpable. I come here as someone who planned as a freshman legislator to reach across the aisle as often as I could, and I just have to say that this is painful, for not just me but, I think, the entire body and the people whom we serve. It's not the way I thought I would be serving the people of Maine. Thank you, Mr. Speaker.

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

Representative **LOVEJOY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Having been involved in the public hearing, if you'll call it that, that took place in Education, I find this one to be even more difficult to justify. We talk about debate. We cannot debate if one party refuses to or can't. I would urge everyone in this chamber to save us time the next time that this comes up. Let's all go down and sit in on the committee meeting. It will save us a lot of time on our so-called debates.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. We're legislators. We're down here until June 8th, June 15th. We have a job to do.

I sit on the Appropriations Committee and we recently had a change package come into the Appropriations Committee, and we're having to deal with those issues at the time we're trying to work on a budget. One of those issues is MPBN and the funding of MPBN. I probably have gotten more emails on MPBN and more lobbying in a week's notice than any other issue that has come before the Appropriations Committee, more than the pension issue.

So I think one of the issues that we have here is that there was the complaint that other bills did not have an opportunity to have a hearing. This is notice that there is going to be a hearing. It's seven days, by my count, from today until June 2nd, I think. Seven days.

We've all read the newspapers. We all know what the issues are this session. This isn't a new issue that's just come up today.

We know what the issues are. There is plenty of notice. With the internet there's even more notice. The building is filled with lobbyists. We know what the issues are, and yes, the issue is going to be put before a committee and it's not the perfect time of year. But we're legislators. We need to do the work of the people.

I believe that Representative Tuttle indicated that he thought we needed a bigger room. I would suggest that we find a bigger room. We should accommodate whatever needs there are to have a proper hearing, and then to debate this issue in this House as legislators. That's what we're here to do. Not to put things off until the next year. Let's be here and let's do the work of the people. Thank you, Mr. Speaker.

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

Representative **SHAW**: Thank you, Mr. Speaker. I was just noticing Joint Rule 305. It reads: "At the beginning of the regular session, the presiding officers shall jointly establish authorized meeting days for committees to hold their public hearings and work sessions, taking into consideration the availability of assigned staff and hearing rooms. Committees may meet only on authorized meeting days unless the presiding officers authorize an exception in writing. Each committee shall distribute a detailed list of hearings and work sessions that have been scheduled for the following week to all committee members. This schedule must also be posted outside the committee room. Notice of a committee's public hearings and work sessions must be posted each day in the State House and the Cross Building. A committee may not hold a hearing or conduct a work session for which notice has not been posted."

"Public hearings must be advertised 2 weekends in advance of the hearing date. All exceptions must be approved by both presiding officers."

Mr. Speaker, I would appreciate it if when you do approve the hearing not being advertised in advance, that you notify us that both presiding officers have agreed to that exception. Thank you, Mr. Speaker.

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

Representative **TREAT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I oppose the pending motion and I just want to speak very personally to, this sounds very silly I guess, but I want to speak very personally to my feelings about rules and the Joint Rules specifically.

I came to this Legislature a lot younger than I am now, around the age of a lot of the members of my caucus. There was a time before that I actually came up here a lot as a citizen and other lobbyists working on environmental issues and other things. At that time, bills were scheduled for work session without any public notice at all. Even as a lobbyist I had to run around and just try to find out, often from people lobbying on the other side. We often said, you know, there is honor among lobbyists. They would tell me, you know, hey, this bill's being taken up, there's going to be a work session on this bill that you care about, maybe you want to get into this room over there and find out what's going on.

There are a lot of things in our Joint Rules that were not in our rules, that in 1990, 1991, 1992, the whole budget process involved the committees of jurisdiction in a very formal way in reviewing the budget and reporting back to the Appropriations Committee. That's in our Joint Rules right now. Where did that come from? It came from that time when we had a huge budget fight and people like me, I was like one of these young people that said these rules aren't right, the committees ought to be involved, the rules should reflect the jurisdiction of those committees. We rewrote the rules and we now have rules here in the State of Maine that I believe are the envy of many legislators around the country, because these rules promote transparency, they promote bipartisanship. We do not have rules that allow the chairs of a committee to bottle up a bill in committee and not report out to the floor. We do not allow that in this committee, in this Legislature. We give a lot of power to the body as a democratic institution and not merely to the people who are in the positions of power, whether they be chairs of committees or presiding officers. We elect our leadership and that leadership has not been appointed by everybody else. I mean we elect our Speaker. The Speaker doesn't appoint who is the majority leader and all of that, and there are places where that is the case.

I think these rules are really important and they are important because they reflect our values as citizens of the State of Maine, a place that has not been a place that has promoted partisanship, a place that has elected two independent governors, a place that respects people working across the aisle, a place that respects the citizens' institution of the Legislature. What I see happening here seems to be some sort of gaming of these rules in a way that for whatever reason makes sense to the majority party to take a bill that was grabbed from committee where nothing happened for a period of four months.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Cushing, and asks why the Representative rises.

Representative **CUSHING**: Thank you, Mr. Speaker. I rise for a point of order. I believe it's appropriate to address the Chair and I'm wondering for a ruling as whether this is germane to the motion before us.

On **POINT OF ORDER,** Representative CUSHING of Hampden asked the Chair if the remarks of Representative TREAT of Hallowell were germane to the pending question.

The SPEAKER: The Chair has given wide latitude to the debate and I will continue for the present. I would ask that the speakers address, face, and present their comments to the rostrum and not to the members of the House. The Representative may continue.

The Chair reminded Representative TREAT of Hallowell to stay as close as possible to the pending question and to address her remarks to the Speaker.

Representative **TREAT**: Thank you very much, Mr. Speaker. I do believe it's very germane because we are debating now whether to commit a bill to a committee where it resided for four months without anything happening, for some reason, and then was, by order of the presiding officers, removed from that committee and not, I might add, in a way that is parallel in any way to the consolidation bill which, as I recall, had been worked and worked and worked and worked and worked in that committee and then it went over the deadline for action and then that bill was taken out of committee because at some point the presiding officers said get it out, this has gone on long enough. That is usually what happens when bills come out of committee in that manner. It's very unusual to have a bill that was never scheduled for public hearing, sort of taken to the floor, unless there's some sort of tacit agreement, I guess, that it's best not to have a public hearing and deal with the bill. I don't know.

I think I just really, I guess, share the feelings of the Representative from North Yarmouth, Representative Graham, who could say as a freshman legislator, who could come and say "Look I still am idealistic. I know I'm here, I came here to do this." I am saying now I continue to have that belief that we are here to work together and respect the institution, regardless of how many years I've been in this place. I would hope that you will join me in voting no on the pending motion because it is not an appropriate

motion at this time. I don't know why it is happening, but it is not being done in a way that honors the institution and the democratic system that we have.

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

Representative **GILBERT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am a member of the Labor Committee. I knew this bill was referred to us, this and another light bill, but I asked my committee chairs many times, in March, in April and now in May, when are we going to have this bill before us? Each time I was told that leadership has not given a direction on this. Maybe it was because it wasn't a priority. But all of the sudden, nine working days before we have statutory adjournment, this becomes a priority. Why are we to rush through a decision at this time? Why can't we hold this over until the next session? I will be voting no on this pending motion.

The SPEAKER: The Chair recognizes the Representative from Boothbay, Representative MacDonald.

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

The SPEAKER: The Representative may pose his question.

Representative **MacDONALD**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise to ask a question related to the schedule on this bill. I'm looking at Rule 312 which talks about the requirements for fiscal notes on our bills. It says every bill or resolve that affects state revenues – and I assume this might do that – every bill or resolve that affects state revenues, appropriations or allocations or that requires a local unit of government to expand or modify that unit's activities so as to necessitate additional expenditures from local revenues and that has a committee recommendation other than "Leave to Withdraw" must include a fiscal note prepared by the Office of Fiscal and Program Review. It goes on to say the Office of Fiscal and Program Review has to have sufficient time in order to prepare a fiscal note and that the Office of Fiscal and Program Review shall be provided with a copy of all testimony and other materials received by the committee whenever the committee recommendation is other than "Leave to Withdraw," unanimous "Ought Not to Pass." The fiscal note must accompany the committee report before it is reported out of committee. Any amendment introduced that would affect the fiscal impact of the original bill must also include a fiscal note. The Office of Fiscal and Program Review has the sole responsibility for preparing all fiscal notes.

So I ask a question, in all due seriousness, Mr. Speaker, even if a hearing is held next Tuesday, how will the Office of Fiscal and Program Review have sufficient time to prepare a note on a bill such as this, given its seriousness and its implications? Again, I think that these kinds of questions raise the whole issue of whether or not we shouldn't, instead of committing this back to any committee at this late date, whether or not we shouldn't be carrying it over to the next session of this Legislature. Mr. Speaker, I strongly recommend that that's the direction we should be taking. Thank you.

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

Representative **CHAPMAN**: Thank you, Mr. Speaker. Mr. Speaker, Colleagues and Friends of the House. I am a freshman legislator and I came here with other freshmen legislators. Many of us came here because we wanted to improve upon the activities that we perceived taking place here in Augusta. Not all of us were pleased with what we had been seeing. Many of us thought that maybe we could bring something of value to the process, and I am very sad today that the dignity, that the dignity of this chamber is seriously compromised when we don't keep foremost in our minds and actions the needs of the people of our state and their need to be heard and for us to be doing their business. Thank you, Mr. Speaker.

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

Representative **McKANE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I've finally found the answer to the question that I asked previously. This provision never received a proper hearing and now it will if we commit it back to Labor. This provision was included in the Biennial Budget of 2005 through a labor contract. That was done that March, and by the way, it was a partisan budget, a majority budget. It was that parliamentary trick that we do sometimes in this body. This is an issue that's bothered me for a long time. The state employees were not included in the decision to take this money out of their checks and it's time that it goes back and finally has the hearing that it should have had a long time ago. Thank you, Mr. Speaker.

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

Representative **LOVEJOY**: Thank you, Mr. Speaker. I apologize for rising again. Ladies and Gentlemen of the House, I would hope this is going to have an exception for our notice to the public, which is unfortunate. I would like to request, if possible, Mr. Speaker, that you work with the committee chairs and the leadership in the other chamber to assure that this public hearing gets as much advance notice as possible and, if at all possible, be held when we are not in session so that in fact those of us who would like to be there will be able to do that without missing votes here on the floor.

The SPEAKER: A roll call having been previously ordered, the pending question before the House is to Commit the Bill and all accompanying papers to the Committee on Labor, Commerce, Research and Economic Development. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 85

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, Edgecomb, Espling, Fitts, Fitzpatrick, Fossel, Foster, Fredette, Gifford, Gillway, Guerin, Hamper, Harmon, Harvell, Johnson D, Johnson P, Keschl, Knapp, Knight, Libby, Long, Maker, Malaby, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Newendyke, O'Connor, Olsen, Parker, Parry, Picchiotti, Plummer, Prescott, Richardson W, Rioux, Rosen, Sanderson, Sarty, Sirocki, Tilton, Timberlake, Turner, Volk, Waterhouse, Weaver, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

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

ABSENT - Driscoll, Flood, Priest, Strang Burgess, Wintle.

Yes, 74; No, 71; Absent, 5; Vacant, 1; Excused, 0.

74 having voted in the affirmative and 71 voted in the negative, 1 vacancy with 5 being absent, and accordingly the Bill and all accompanying papers were **COMMITTED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and sent for concurrence.

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (H-319)** - Minority (4) **Ought Not to Pass** - Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Allow Independent Practice Dental Hygienists To Work within Their Scope of Practice" (EMERGENCY)

(H.P. 183) (L.D. 230)

TABLED - May 24, 2011 (Till Later Today) by Representative CURTIS of Madison.

PENDING - Motion of Representative PRESCOTT of Topsham to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

Representative **VOLK**: Mr. Speaker and Esteemed Members of the House, I would like to express my support for LD 230. This was a bill we worked very hard in committee out of respect for my esteemed colleague from Scarborough, Representative Sirocki, and out of a knowledge that dental health is critical to overall health.

Affordable dental care in rural areas is a problem in our state. The proposal to allow independent practice dental hygienists to work within their scope of practice by taking and reading radiographs sounded great, but clearly made some in the dental community uncomfortable. Knowing that Maine does, in fact, have significant underserved areas, we came up with a compromise which creates a pilot program. Hopefully, this program will prove the effectiveness of encouraging independent dental hygienists to practice in underserved areas and enable them to take radiographs so that they can make referrals to dentists when they see something suspicious.

The Committee Amendment also requires independent hygienists to work with a dentist and have their x-rays reviewed within 21 days, something we learned that public health dental hygienists are already doing. The pilot program will be reviewed by the LCRED Committee in two years. I ask that you follow my light and support this motion.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Sirocki.

Representative **SIROCKI**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Some of you may know that I am a registered dental hygienist. When I was approached by the Honorable Pat Jones to sponsor this bill, my initial reaction was surprise. Independent practice dental hygienists can't take basic x-rays? Why? All registered independent practice dental hygienists are licensed and board certified and have at least 2,000 hours of experience under their belts and yet they are not allowed to expose radiographs here in Maine, but the very same hygienist, fresh out of school, working in a private practice or in the public health field not only may take x-rays, but they are expected to do so.

This bill's aim was simply to allow a registered dental hygienist, who has met the stringent criteria to be deemed an independent practice dental hygienist, the ability to take routine x-rays.

These are individuals with an entrepreneurial spirit, they have invested in their education, they have been certified to safely provide care, they are job creators, and they can help provide service to the underserved.

While working this bill, it was apparent that there was strong support, but also a little concern about expanding the scope to include basic x-rays.

I want to thank my esteemed friend from Scarborough, Representative Amy Volk, for her solution and suggestion to begin by trying this as a pilot program in the underserved parts of Maine, and the members of the Labor, Commerce, Research and Economic Development for working with me to move this forward.

The State of Maine should be commended for having the wisdom to support the establishment of the independent dental hygienist in private practice with the goal of increasing access to dental care throughout the state. Not being able to administer the routine skill of taking x-rays, especially if a patient presents with symptoms, significantly limits the dental hygienist when performing services.

The Maine Board of Dental Examiners has given their full support of this bill, and I urge you to follow my light with your support. Thank you, Mr. Speaker.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-319)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-319)** and sent for concurrence.

SENATE PAPERS

Bill "An Act To Amend the Lobster Promotion Council"

(S.P. 509) (L.D. 1579)

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

REFERRED to the Committee on **MARINE RESOURCES** in concurrence.

REPORTS OF COMMITTEE
Ought to Pass as Amended

Report of the Committee on **MARINE RESOURCES** on Bill "An Act Regarding the Saltwater Recreational Fishing Registry" (EMERGENCY)

(S.P. 60) (L.D. 210)

Reporting **Ought to Pass as Amended by Committee Amendment "A" (S-136)**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-136) AS AMENDED BY SENATE AMENDMENT "B" (S-147)** thereto.

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE**. **Committee Amendment "A" (S-136)** was **READ** by the Clerk. **Senate Amendment "B" (S-147)** to **Committee Amendment "A" (S-136)** was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-136) as Amended by Senate Amendment "B" (S-147) thereto **ADOPTED**.

The Bill was assigned for **SECOND READING** Thursday, May 26, 2011.

CONSENT CALENDAR
First Day

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

(S.P. 463) (L.D. 1482) Bill "An Act To Provide That Private Transfer Fee Obligations on Real Property Are Void and Unenforceable" Committee on **JUDICIARY** reporting **Ought to Pass**

(S.P. 258) (L.D. 854) Bill "An Act To Require the Treasurer of State To Publish All State Liabilities" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-148)**

(S.P. 292) (L.D. 946) Bill "An Act To Amend the Sales and Use Tax Exemption for an Aircraft Purchased Outside of Maine by Nonresidents" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-155)**

(S.P. 436) (L.D. 1407) Bill "An Act To Establish the Maine Wild Mushroom Harvesting Certification Program" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-149)**

(S.P. 437) (L.D. 1420) Bill "An Act To Modify the Laws Regarding Status as an Independent Contractor" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-150)**

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

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** in concurrence.

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

(H.P. 630) (L.D. 833) Bill "An Act To Restrict Permits Available to the Holder of a Super Pack License" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-345)**

(H.P. 902) (L.D. 1211) Bill "An Act To Require That a Student Satisfactorily Complete a Course in Civics and Government To Receive a High School Diploma" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-344)**

(H.P. 1092) (L.D. 1485) Bill "An Act To Promote Transparency in the Medicaid Reimbursement Process" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-349)**

(H.P. 1105) (L.D. 1504) Resolve, To Ensure a Strong Start for Maine's Infants and Toddlers by Extending the Reach of High-quality Home Visitation Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-348)**

(H.P. 929) (L.D. 1238) Bill "An Act To Establish the Maine Back to Work Program" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-351)**

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

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Protect Maine Laws under the United States Constitution and the Constitution of Maine"

(H.P. 811) (L.D. 1076)

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

Representatives:
NASS of Acton
BEAULIEU of Auburn
FOSTER of Augusta
DILL of Cape Elizabeth
MALONEY of Augusta
MOULTON of York
PRIEST of Brunswick
ROCHELO of Biddeford

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

Signed:
Representatives:
SARTY of Denmark
WATERHOUSE of Bridgton

READ.

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass** on Bill "An Act To Clarify the Award of Fees in Domestic Violence Cases" (EMERGENCY)

(H.P. 1159) (L.D. 1576)

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

Representatives:
NASS of Acton
BEAULIEU of Auburn
FOSTER of Augusta
DILL of Cape Elizabeth
MALONEY of Augusta
MOULTON of York
PRIEST of Brunswick
ROCHELO of Biddeford

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

Signed:
Representatives:
SARTY of Denmark
WATERHOUSE of Bridgton

READ.

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

The Bill was **READ ONCE**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence.

BILLS IN THE SECOND READING
House as Amended

Bill "An Act To Promote the Hiring of Seasonal Workers"
(H.P. 829) (L.D. 1117)
(C. "B" H-272)

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

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

On motion of Representative CUSHING of Hampden, the House adjourned at 4:57 p.m., until 10:00 a.m., Thursday, May 26, 2011.