ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
FIRST REGULAR SESSION
53rd Legislative Day
Wednesday, June 1, 2011

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

Prayer by Pastor Aaron Martin, Winterport Baptist Church.

Pledge of Allegiance.

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

The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Assist Seasonal Entertainment Facilities with Public Safety Requirements" (EMERGENCY)

(H.P. 105) (L.D. 123)

Minority (4) **OUGHT NOT TO PASS** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY READ** and **ACCEPTED** in the House on May 23, 2011.

Came from the Senate with the Majority (9) **OUGHT TO PASS** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-163)** in **NON-CONCURRENCE**.

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

Representative CAIN of Orono **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

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

ROLL CALL NO. 94

YEA - Ayotte, Beaulieu, Bennett, Bickford, Black, Burns DC, Burns DR, Cebra, Celli, Chase, Clark T, Cotta, Crafts, Cray, Curtis, Cushing, Damon, Davis, Dow, Dunphy, Edgecomb, Espling, Fitts, Fitzpatrick, Flood, Fossel, Foster, Fredette, Gifford, Gillway, Guerin, Hamper, Harmon, Harvell, Johnson D, Johnson P, Keschl, Knight, Libby, Long, 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.

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

ABSENT - Beck, Crockett, Dion, Martin, O'Brien, Rochelo, Wintle.

Yes, 74; No, 69; Absent, 7; Vacant, 1; Excused, 0.

74 having voted in the affirmative and 69 voted in the negative, 1 vacancy with 7 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require a Two-thirds Vote To Approve the Issuance of a Bond or Security by the Maine Governmental Facilities Authority

(H.P. 728) (L.D. 984)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-304) in the House on May 23, 2011.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-304) AND SENATE AMENDMENT "A" (S-182)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Prohibit Organized Retail Theft"

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

Majority (7) **OUGHT TO PASS** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED** in the House on May 17, 2011.

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Promote the Hiring of Seasonal Workers"

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

Minority (5) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-272)** in the House on May 25, 2011.

Came from the Senate with the Majority (8) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-271)** in **NON-CONCURRENCE**.

On motion of Representative FREDETTE of Newport, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

Non-Concurrent Matter

Bill "An Act To Extend the Salary Supplement for National Board-certified Teachers at Publicly Supported Secondary Schools That Enroll at Least 60% Public Students"

(S.P. 425) (L.D. 1380)

Majority (9) **OUGHT NOT TO PASS** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS READ** and **ACCEPTED** in the House on May 31, 2011.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (4) **OUGHT TO PASS AS AMENDED** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-168)** in **NON-CONCURRENCE**.

Representative NUTTING of Oakland moved that the House **INSIST**.

Representative FITTS of Pittsfield moved that the House **RECEDE AND CONCUR**.

Representative CAIN of Orono **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

The SPEAKER: The Chair recognizes the Representative from Pittsfield, Representative Fitts.

Representative **FITTS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Yesterday we heard from the Maine Central Institute Chamber Choir who both provided a concert in the rotunda and sang the national anthem for us. MCI is one of the schools that is included in publicly supported secondary schools that enroll at least 60 percent of the public students. They are otherwise called town academies and you may recognize some of them as Fryeburg, Thornton, Washington Academy.

My point in rising to oppose the action that the House was otherwise going to take and would rather have a Recede and Concur with the other body is this bill corrects what is, what I think, an oversight, maybe an injustice that is being applied to town academies and how they are treated in our educational system and our public education system regarding the funding for what are exceptional teachers. The whole point of funding national board-certified teachers is to encourage those teachers in our public schools to improve themselves and this stipend, though minimal and as spread out over additional schools, will obviously be minimized even more. It's not fair to town academies to be the red headed stepchild, if you will, of the high school education community.

I would hope that this body would Recede and Concur with the other body and allow this to go forward. I think it's fair and I avoided a floor debate yesterday because I didn't think we would go this far. 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. I rise in opposition to the current motion. It's not that I don't want to reward teachers. I think that this is a program that needs to be expanded. However, we don't have adequate funding to even pay what we promised the teachers already covered. We were originally going to pay them $3,000 as an annual stipend. We aren't coming close to that right now. So if we want to talk about fair, I'd rather work to support the teachers that are already qualified rather than expanding it. I would love to see this body look at a bill, perhaps next year, about expanding funding so we can offer this to all teachers. But for right now, where we can't even meet the promises we've made, I don't want to see us make a change to that. I'd urge everyone to vote red on this. Thank you.

The SPEAKER: The Chair recognizes the Representative from Greenville, Representative Johnson.

Representative **JOHNSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I agree with the Representative from Portland. This is a very valuable program. It is currently underfunded for those in the public school system. My view is that the town academies have significant advantage in funding sources through tuition payments and through, in some cases, their ability to hire non certified teachers. I think that I would certainly support increasing this program in the future, but at this point in time I do not support the pending motion.

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

Representative **BURNS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just rise in support of this motion to Recede and Concur. I was a trustee to one of these town academies for 19 years. These schools are performing as well, if not better, than any of our schools in the state. We refer to them as 60/40 schools, but in essence, the school that I was a trustee of supplies education services to 30 sending units. They have no other choice. This is their high school. This is a matter of equity as far as I'm concerned. These funds should be distributed equally to all these town academies as well as the public schools. There is really very little differentiation and also the students that attend there. I would urge you to support this motion today. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Pittsfield, Representative Fitts.

Representative **FITTS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In response to the comment that town academies somehow have additional resources available to them so therefore this wouldn't be a useful tool for them, you are hearing across the state about school districts that are bringing foreign students into their communities in order to help supplement their budgets. The one thing that town academies do have available to them, and that's part of this whole 60/40 school, is the fact that most of them have boarding students in dormitories and additional expenses that go along with that, and the fact that within town academies none of their buildings are paid for with public funds. They are built with private donations and these schools are supported, both through their local communities, through fundraising development efforts, and alumni. But at the same time, they are the high schools for the communities that they sit in. Again, I would encourage the House to support the Recede and Concur motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Calais, Representative Maker.

Representative **MAKER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am in opposition to this motion, not because I don't think private academies deserve the additional money. It is because the ones that are in public education right now are not receiving the $3,000 as the Representative from Portland said. Until we can increase those funds, it is not fair to those we promised that we would give them $3,000 a piece. We can give that to include others. It just doesn't make sense to me and it would make more sense to us, to me, that we would put more money into it in another year so that we can include all teachers, private and public. Thank you.

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 rise in support of the pending motion on the floor to Recede and Concur. I was on the Education Committee several sessions ago when we first created this incentive to encourage all of our teachers to really reach and better themselves, which in turn betters the education for the children, which is what all of our motivations should be.

At that time, the intention was, as Representative Fitts pointed out, the town academies that we're referring to house

and educate – in some situations there are no other choices – children through our public education system. These are teachers who at our urging over the last four or five years have gone out and become nationally certified, have participated in hours and hours and hours of extra coursework, and have really bettered themselves and are making a difference in the classroom. We had told all of them that we would provide them some level of stipend or incentive or bonus for doing that certification because it is a tremendous commitment on their part.

I realize that the pot remains the same. This is not additional money. It is dividing it over a few more people. I'm not exactly sure of the number. I don't think it's probably a huge number of individuals, but more and more teachers are going out and reaching for the high bar and I think that is fabulous and it should be supported and encouraged by us. This is a very small way to do that and I don't think it is going to dilute the pot that much overall and I would urge your support of the Recede and Concur motion. Thank you.

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

Representative **PLUMMER**: Thank you, Mr. Speaker. I request permission to pose a question to the body through the Speaker.

The SPEAKER: The Representative may pose his question.

Representative **PLUMMER**: Thank you, Mr. Speaker, and I think this may have just been addressed briefly, but would the money to fund this be coming from an existing pool of money that was appropriated by a previous Legislature or in a previous budget or would their be new money involved in funding this?

The SPEAKER: The Representative from Windham, Representative Plummer, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Carmel, Representative Richardson.

Representative **RICHARDSON**: Thank you, Mr. Speaker. To answer the good Representative's question, it is money that is appropriated every year. It is in the budget. It comes under the miscellaneous component line of the budget, so all the money that comes out of that miscellaneous component line directly affects everybody in the state. There is about $70 million in that line budget right now. If we increase that, although this isn't calling for an increase, it is basically just asking, as was mentioned, just to divide it by more people.

The SPEAKER: The Chair recognizes the Representative from Palermo, Representative Harmon.

Representative **HARMON**: Thank you, Mr. Speaker. I rise in favor of the motion. I'm not going to talk about how a lot of these teachers at the semiprivate institutions, the academies, at 60/40 schools, how some of them make less salary, some of them have less benefits. I'm not going to talk about that. I'm not going to talk about how sometimes the performance can be better or how they don't have funding for their schools. But they are constantly fundraising and constantly fundraising. Many of these teachers work hard and just as hard as public education teachers and they are also educating students, the majority of students as public students.

This is something that is important. The thing here has got to do with fairness and adequacy, and it is the fairness issue that needs to be developed here and talked about here. It is not the level of funding because right now the level of funding is not being achieved. It is about fairness. They are working hard and just as hard and I think for this body to discriminate against a semiprivate school versus some that are 100 percent publicly funded, I think, is wrong. Thank you, Mr. Speaker.

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. My question is this. As a supporter of the National Board Certification program and it really has proven itself to raise the level of teaching ability and of results, I am struggling with what seems to me to be the either/or nature of this discussion. Either we provide full funding to these public/private entities or no funding at all.

I am wondering if the committee or anyone has engaged in discussions around a partial funding for National Board Certification so that public/private schools could take it on themselves to fund the full amount or simply pass on the partial additional salary support? Thank you, Mr. Speaker.

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 Lewiston, Representative Wagner.

Representative **WAGNER**: Thank you, Mr. Speaker. In the hearing there was the suggestion that perhaps 60 percent of the amount that the regular public school teachers received will be appropriate. That was mulled about in a minor way and then it started, in my opinion, primarily because we want to fund the whole project much more seriously in the future to promote the National Board Certification. Thank you, Mr. Speaker.

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

Representative **McCLELLAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I support the motion Representative Fitts put up as well and just to be clear and my understanding and I am on the committee is this is a stipend. This is in a sense a reward for really hard work. Again, I spoke yesterday. We learned from some of the educators this is a two-year process which is difficult and not many people are going to run into this. This is something that did deserve some kind of an award. I do support this motion. I have heard the word promise and it strikes me here this body over the years has made many promises. If we stuck with the promises we didn't keep, we'd probably never get anywhere, so I hope that we can continue to keep going.

I guess my concern with this is a survey of 11 institutions suggested three people were going to enter this pool. It is just a few dollars. My concern is about, I hear the fairness, my concern is the divisive suggestion that this is that we're saying private schools are not necessarily as good as public schools. I have said it a few times before, I hope for the day when we really get more about kids than institutions. 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. I've been able to pull up a few pieces of information here and, in fact, Representative McClellan just hit on one of my points. Fryeburg Academy, for example, is the only high school in that area and, in fact, has 500 children that go there that are done through the public education system. Erskine Academy has all of the students there, except four are non-public schools. A number of these 60/40 schools as we call them do that and I believe that that is the number out of all of the 60/40 schools in the state, the number of teachers that have achieved the status is something like three or four that would be going into the pool, and I believe there are several teachers that are currently in the pool that are retiring. It just seems like a fair thing. Either we incent, which was why we put this in three years ago, two sessions ago, was to

incent our teachers to better themselves to benefit our kids. Thank you.

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. This is something that pushes my button. Some years ago, I believe its six now, the people of the State of Maine voted that we fully fund education. We have not done so. Yes we've had budget concerns, but, to me, when the people say this is what we want you to do and vote on it, that's a priority, we do it. We have not done it and until we do I don't want to see money being spent elsewhere.

It is a fairness issue. It is a fairness issue to the taxpayers of the State of Maine. They need a break from their local taxes. They are not getting it because we're not fully funding education. That is one of the reasons they're not getting it, so I'd rather see the money go there. When that's done, then by all means, let's put this program in. The teachers deserve it. I was a teacher. I never deserved something like this, but these are probably good teachers and do deserve it. Until that time, let's first fully fund education. Thank you.

Representative MacDONALD of Boothbay **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

Representative **BELIVEAU**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to support the current motion. A National Board Certification is very, very hard. It takes hundreds and hundreds of hours of preparation and coursework, and usually it comes at the cost of several thousands of dollars of a teacher's own money just to make it through the process.

These people – I have colleagues who are in the process – aren't doing it for the money. It's a pretty bad deal if they were. They are doing it because they really care about their craft and about education in Maine. We need to do whatever we can to encourage more people to take on this extremely difficult challenge, especially when it is a case of fairness, in this case expending it to all the schools that serve all of our regular Maine pubic school students. Thank you very much.

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

ROLL CALL NO. 95

YEA - Beaulieu, Beavers, Beliveau, Bickford, Black, Bolduc, Burns DC, Burns DR, Cebra, Chapman, Chase, Cornell du Houx, Crafts, Curtis, Cushing, Damon, Davis, Dow, Dunphy, Espling, Fitts, Fitzpatrick, Fossel, Foster, Fredette, Graham, Guerin, Hamper, Hanley, Harmon, Johnson D, Knight, Kumiega, Long, Malaby, McClellan, McKane, Morissette, Moulton, Nass, Newendyke, Olsen, Parker, Parry, Picchiotti, Pilon, Prescott, Rankin, Rioux, Rosen, Sarty, Sirocki, Strang Burgess, Tilton, Timberlake, Valentino, Volk, Waterhouse, Winsor, Wood.

NAY - Ayotte, Beaudoin, Beck, Bennett, Berry, Blodgett, Boland, Briggs, Bryant, Cain, Carey, Casavant, Celli, Chipman, Clark H, Clark T, Clarke, Cotta, Cray, Dill J, Dion, Driscoll, Duchesne, Eberle, Edgecomb, Eves, Flemings, Flood, Gifford, Gilbert, Gillway, Goode, Harlow, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Johnson P, Kaenrath, Kent, Keschl, Knapp, Kruger, Lajoie, Libby, Longstaff, Lovejoy, Luchini, MacDonald, Maker, Maloney, Martin, Mazurek, McCabe, McFadden, Morrison, Nelson, O'Connor, Peoples, Peterson, Plummer, Priest, Richardson D, Richardson W, Rotundo, Russell, Sanborn, Sanderson, Shaw, Stevens, Stuckey, Theriault, Treat, Turner, Tuttle, Wagner R, Weaver, Webster, Welsh, Willette A, Willette M, Mr. Speaker.

ABSENT - Crockett, Harvell, O'Brien, Rochelo, Wintle.

Yes, 60; No, 85; Absent, 5; Vacant, 1; Excused, 0.

60 having voted in the affirmative and 85 voted in the negative, 1 vacancy with 5 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

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

COMMUNICATIONS

The Following Communication: (H.C. 188)

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

June 1, 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":

Health and Human Services

L.D. 828	An Act To Amend the Maine Certificate of Need Act of 2002 for Nursing Facility Projects
L.D. 1106	An Act To Lower the Cost of Health Care through Improved Energy Efficiency

Taxation

L.D. 1578	Resolve, Relating to the State Valuation of the Town of East Millinocket (EMERGENCY)

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:

Dr. Morton B. Panish, of Freeport, a physical chemist and a member the United States National Academy of Science and the United States National Academy of Engineering and Laureate in Advanced Technology in Electronics, on the 10th anniversary of his being awarded the Kyoto Prize in Advanced Technology. The prize is a Japanese award similar in intent to the Nobel Prize that recognizes outstanding works in the fields of philosophy, the arts, science and technology and those who have contributed to humanity with their work. Forty-one years ago, on June 1, 1970, Dr. Panish achieved the collaborative, scientific breakthrough discovery of room temperature, injection laser technology. This significant achievement was described as an "epoch-making development" that advanced the world of optoelectronic device research and "paved the way for the practical use of semiconductor lasers." These undertakings with his colleague Isuo Hayashi were among the many that Dr. Panish stated gave him great satisfaction because he believed he was doing something to advance mankind's knowledge. Dr. Panish is quick

to point out the importance of collaboration and the achievements of predecessors and contemporaries. Upon retirement, Dr. Panish was invited by the National Research Council to assist with monitoring the work of NASA scientific programs. In addition, he has been an active member of the Committee on Human Rights of the United States National Academies and is involved with and contributes to his community and the State of Maine. We acknowledge Dr. Panish's significant contributions to science and our world and congratulate him on his remarkable achievements;

(HLS 458)

Presented by Representative WEBSTER of Freeport.
Cosponsored by Senator GERZOFSKY of Cumberland.

On **OBJECTION** of Representative WEBSTER of Freeport, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Create a Family Ombudsman in the Judicial Branch and the Department of Corrections"

(S.P. 393) (L.D. 1272)

Signed:
Senators:
HASTINGS of Oxford
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
SARTY of Denmark
WATERHOUSE of Bridgton

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-172)** on same Bill.

Signed:
Senator:
BARTLETT of Cumberland

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

READ.

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

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Popular Election of the Secretary of State, Attorney General, Treasurer of State and State Auditor

(S.P. 504) (L.D. 1572)

Signed:
Senators:
COLLINS of York
SULLIVAN of York

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-153)** on same RESOLUTION.

Signed:
Senator:
THOMAS of Somerset

Representative:
KAENRATH of South Portland

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the RESOLUTION **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-153)**.

READ.

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

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-379)** on Bill "An Act To Protect Property Tax Revenue in the Unorganized Territory"

(H.P. 855) (L.D. 1157)

Signed:
Senator:
TRAHAN of Lincoln

Representatives:
KNIGHT of Livermore Falls
BENNETT of Kennebunk
BURNS of Alfred
BICKFORD of Auburn
BRYANT of Windham
HARMON of Palermo

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

Signed:
Senator:
WOODBURY of Cumberland

Representatives:
PILON of Saco
BERRY of Bowdoinham
WATERHOUSE of Bridgton

READ.

Representative KNIGHT of Livermore Falls moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

The SPEAKER: The Chair recognizes the Representative from Pittsfield, Representative Fitts.

Representative **FITTS**: Thank you, Mr. Speaker. I rise in opposition to this motion. I do so because to take the ability of unorganized territories to TIF projects of any kind in legislative act, especially if we are going to specifically start picking and choosing which kinds of projects get approved or not through legislative process, when in reality the county commissioners have the right, they have the legislative authority to make decisions on whether to grant a TIF or not.

This bill sets aside one type of development, grid-scale wind. It is brought forward as an effort and you will hear, I'm sure, to stop grid-scale wind from going forward. But in those unorganized territories where there have been projects that have been TIFed, those areas have received substantial benefit from the fact that those TIFs came forward, both by sheltering the value on their tax valuation, as well as the use of those dollars for economic development purposes.

If this bill had been crafted to say no TIFs in unorganized territories, I suppose it would have made a lot more sense. But in this regard, it takes one specific kind of development and sets it aside. I hope that we will hear from others the benefits that have been received in the unorganized territories by TIFs, the purposes of TIFs and what they are for and what they are not. Some say that TIFs are meant as a method to attract business and that may have been when TIFs were first considered and conceived. But the reality is that TIFs also are really the lifeblood of some communities in how they maintain their valuations in a way to encourage development without hurting them in their school funding formulas and in the overall property tax situation that each of these areas face. I would encourage you to oppose the present motion and I further ask for a roll call. Thank you, Mr. Speaker.

Representative FITTS of Pittsfield **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 Embden, Representative Dunphy.

Representative **DUNPHY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Lifeblood or extortion, I'm not sure. I think that what I'm seeing with TIFs is this. TIFs should have been used to entice business to come into an area. You don't need to entice wind development to the top of a mountain because that is the only place it can go.

I firmly believe that the TIFs are being used as leverage for tangible benefit money to be used in the rest of the counties. This bill does not prevent TIFs, but it limits the double-dipping. Comments concerning singling out wind, of course, because wind has requested to be singled out. That's why we have double depreciation on their assets. We have production tax credits. We have RPS and we also have expedited permitting. I would say, yes, wind is being singled out, not to be developed but to be developed with caution and with reasonableness, not with huge subsidies.

What the bill basically says is a TIF cannot be approved after a permit has been granted or a federal funding has been approved. I would request that you follow me and support this. Thank you.

The SPEAKER: The Chair recognizes the Representative from Calais, Representative Maker.

Representative **MAKER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am rising not in support of this motion. Washington County has benefited from this TIF program and I am going to give you some examples of that.

They have leveraged, invested over $3 million in that process. Some of the financing has been $10,000 to the Forest Society of Maine to help fund a study; 9,760 to the Sunrise County Solar of Trescott; $10,000 to Tidewalker Engineering of Trescott; $15,000 to Eagle Mountain Guides Service of Otis; $100,000 over three years to Cobscook Community Learning Center of Trescott for the capital campaign to build a lodge; $49,500 to Downeast Lakes Land Trust based in Grand Lake Stream; $50,000 to Cobscook Bay Seafood Company; $1,100 to Clean Earth Farms of Jonesboro; $15,000 to Marion Transfer Station; $16,000 to the Maine Coast Heritage Trust and Downeast Rivers Land Trust; $26,000 to Tide Mill Organics of Edmunds; $7,000 to Tide Mill Organics; $15,000 to the Coast of Maine Organic Products. As you can see, to date, grants totaling $326,810 have helped leverage nearly $3,400,000 in direct economic activity and investment. Please follow my light. Thank you.

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

Representative **TILTON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I want to talk a little bit more about the benefits that come from this kind of program. Some of you know, although many of you probably don't, that I spent 13 years running an economic development organization in Washington County. The first thing that I would say about that is we were not part of the state's system of economic development organizations, so we didn't receive much state funding. Some years we didn't receive any.

The hardest thing about trying to do economic development in Washington County or in any rural and economically struggling area in the state is that you just don't have the resources to even get started with an initiative that could help make things happen. I'm not sure everybody understands that people know that a project, including a wind project, is going to beat down the door in a rural depressed area just because you need the jobs, and to have no resources to work with made it quite a struggle. I remember an executive from Bath Ironworks remarked to me once, "Gee, we throw away more money in Southern Maine in the morning than you have to spend all year." I mean it is a huge, huge issue to try and reverse this economic struggle without resources to work with, and that's why the programs that the Representative from Calais, Representative Maker, described are so important. Because the TIF is being used in ways that do not directly benefit the company; that is part of the TIF agreement.

First, I want to just describe the benefits that the company does get or doesn't get, as the case may be. First of all, the biggest hurdle in a wind project is not the financing, per se, it is the permit. It is getting the permit. The TIF cannot be counted in the tangible benefits portion of that permit application, so they really, I would hate to say that they are holding the development over anybody's head to get the TIF because they have to be way down the road before that provides them with any benefit of all.

In Washington County's case, the wind company gets a portion of their tax revenue returned to them, which they use in a credit enhancement agreement. I'm not exactly sure how much. They pay about $1.1 million annually in property taxes to the unorganized territory. Now by definition, it is an unorganized territory. They are not getting any direct service for that $1.1

million in tax revenue, so I don't think it is unreasonable for the county to want to help them out in their financing plan by returning a portion of those tax revenues to them.

The other portion of those tax revenues goes to fund the economic development efforts in the UT that Representative Maker described. Now they need to be spent in the unorganized territory. There are not a lot of projects as you know from other discussions that can be done in unorganized territories, but the investments that have been made have been critical. They have created jobs, they have leveraged private investment. Nothing but good has come of the program that we have in Washington County, so I ask you to please follow my light and I guess that's it. Thank you, Mr. Speaker.

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

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I, too, rise in opposition to the pending motion and I do so mainly because the bill targets one industry of all that benefit from tax increment financing in Maine, and that is fundamentally unfair. I understand that there are those who don't like wind power or have concerns about it, but we cannot target one industry alone in applying our tax increment financing policies.

Tax increment financing is a locally controlled economic development tool and I emphasize the words "locally controlled." The choice to give tax increment financing arrangements to a community – and it does go to a community, not to a business, although there are benefits to the business – is local.

There is a bipartisan feeling on the Taxation Committee and I don't speak for all members, but I think the vast majority of us are concerned about accountability in our tax expenditures in general. We're committed to doing that work in the coming legislative session, starting in January. The work will not just be related to TIFs, but I trust and I think it is a bipartisan consensus that we should do that work in a way that benefits all businesses equally, that creates jobs in the most accountable, efficient way possible. And this bill, ladies and gentlemen, is not the way to go about that. So I would ask that you vote down the pending motion, let the committee do its work, and move forward. Thank you.

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

Representative **BURNS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the pending motion. You hear many definitions of how TIF is now being used beyond what it was designed to be used. TIF was meant to spur economic growth and competition, to give a territory or municipality the opportunity to encourage new business to move into their area and establish a foothold and establish long-term good paying jobs. What we're arguing about right now is the use of the TIF and who it's going to. People have mentioned wind here. This doesn't exclude wind from getting TIFs all together. What this piece of legislation would do would basically limit TIFs to wind companies who have already got a permit to build in a specific location, so there is no incentive for TIF money to lure them in. They've already made up their mind this is where they're going.

It is also to create long-term jobs. When a windmill project does go on, there is a creation of jobs, short-term jobs. Once the project is up, you know and you've had 150/200 people working on the project and everything is up and running, the number of jobs decrease to about five or 10, if that, and many of those jobs are not given to the locals. They are given to people who are certified and from that company to sit there and monitor that wind source. What we're saying, the place, they already have their permit, they've already committed to building that territory, they receive federal subsidies and they receive state subsidies in a lot of cases. Again, use TIF for what TIF is meant to be. It is to create competition, to lure in new business into a territory and to establish long-term jobs. This is what this piece of legislation does is it encourages TIF to be used the way it was meant to be, and it also encourages to make long-term lasting jobs for those folks from that community. Thank you, Mr. Speaker.

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

Representative **PILON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. TIFs are a tax shift. They give a little bit of TIF to the windmill companies, but who pays that? The taxpayers pay that. So the wind company comes in, we TIF them, but somebody has to pick up that burden.

When the wind companies came in and testified before the Taxation Committee, people from the UT came and spoke in opposition to this and they said the wind companies come up, they strip our mountaintops, they created a few jobs, they didn't hire any of the locals to do the work, but Cianbro came in, Reed & Reed came in. Those are local Maine companies. Once the towers are up and the good Representative from Alfred indicated that those are long-term sustainable jobs, they're not. There are a few jobs to sustain the windmills. Those are warrantied by Reed & Reed and Cianbro. There are not a lot of jobs that are created. They are warrantied jobs.

The windmill companies get a federal tax credit, up to 39 percent, the towns are TIFing them. They make out pretty well. Why wouldn't you want them to come in? It's a great deal for them to come into a municipality or a little town, to blow in, take out a mountain ridge, plop up the windmills. The town doesn't do very well. I asked the people from that town "Have you noticed a decrease in your electrical costs?" They said, "No." They don't do very well. The power that comes off those towers goes into the grid, goes down the grid, goes into Massachusetts, goes into New York, has not impacted my utility bills and I'm sure has not impacted any of your utility bills. I don't see how this is a win for anyone. I encourage you all to vote in opposition. 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. I note with interest that the Taxation Committee is made up of obviously 13 people from two major parties, but not one of them comes from the unorganized territory, representing parts of the unorganized territory. For those of us who represent the unorganized territory, I feel that this is somewhat of an affront because we're being treated differently than the rest of the state. If people want to do away with the method of tax break that is allowed, then it should be disallowed throughout the state, and that is simply because some of us represent part of the unorganized territory. I would urge you to defeat this bill because it is certainly not in the interest of those of us who represent the areas of Maine that contain the unorganized territory.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Bennett.

Representative **BENNETT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. A couple comments first. I had the opportunity to read Ed Muskie's book about a year ago and he talks about Washington County. In the '50s, they were poor. They are still poor. We haven't done a great job in this state with economic development and to say we are targeting one industry, I disagree. Look at Maine Revenue Services. They are targeting small business. They are not touching the

multinationals. You ask those people. They haven't been audited in 20 years.

I just want to make three comments. The project developers aren't bringing their figures to the table. They are bringing them to the table for the banks and what not, but they are not bringing them to the UTs and whatnot so they can value the project. Number two, will they be coming back to the State House for a tax abatement later on? And number three, what about the decommissioning costs? They are pulling all of the cash out of the projects. All that will be left in value may be scrap. Thank you.

The SPEAKER: The Chair recognizes the Representative from Livermore Falls, Representative Knight.

Representative **KNIGHT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of LD 1157. My good friend from Eagle Lake points out that none of us on the committee represent the unorganized territories and he is correct about that. But one of the things that has happened to me in this debate on this particular article is I've had dozens and dozens and dozens of communications from the folks in the unorganized territories. In my case, I represent House District 81, but I hope, like the rest of you, we represent the entire State of Maine when we speak. I've had probably more communication on this particular bill than any other bill that I've been involved with, with the exception of a bill called horse slaughter, and we will discuss that at a later date.

But I want to actually read a portion of one of the bits of testimony that the Tax Committee listened to and this comes from a person from the UT. He says "TIFs for wind projects are a bad idea in general and they are a worse idea in the unorganized territories. I live and run a business in the unorganized territories, so unlike some of the folks who will be speaking against this bill, this bill has a direct bearing on me. TIFs are designed to bring businesses and jobs to places where they are wanted. Despite the claims of some, wind developments do not bring any significant number of permanent jobs to the UTs and, in most cases, they are not wanted, except by a few politicians and economic development types who hope to get their hands on TIF and/or community benefit package moneys for their own pet projects." This guy was pretty excitable about his position as you can see.

"To grant TIFs to wind developers who don't need them, who aren't offering a substantial number of permanent jobs in return, and who are often not wanted by the local people is just plain wrong. No matter what the suits say, our state has money troubles, no doubt about it, so why in the world would we compound these troubles by granting what amounts to major property tax breaks to an industry that doesn't need it and doesn't provide any large number of permanent jobs in return. This is not fiscal responsibility."

That's really what drove, I think, the Tax Committee recognizing that the TIF was not being used in the manner in which they had been developed for. Wind projects will not bring a large number of jobs. As my good friend from Saco pointed out, this isn't against wind. We all look for alternative energy, but what the energy created by this will go into the grid. This is not going to necessarily help the unorganized territories. I urge you to follow my light and vote green.

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

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. The first bill that I put in here, one of the first bills that I put in when I arrived in this body, was a bill to create greater accountability around tax increment financing. The bill resulted in a study. I learned a lot. I hope a few others did also. And we still have work to do in, as I mentioned earlier, in our economic development subsidies. This vehicle is not the one to use.

If Maine is open for business, do we really want to send a negative signal, a slap in the face to an industry that has invested $946 million in the Maine economy since 2004?

If Maine is open for business, do we want to slap an industry in the face that has created and supported 600 Maine jobs – Maine jobs – during peak construction in '08 and '09 in a very depressed economy?

If Maine is open for business, do we want to slap an industry in the face that does promote critical, local property tax dollars and is estimated to provide nearly $95 million in host community benefits – host community benefits – in the form of electric rate cuts, land conservation, and local development dollars? I hope not.

This bill discriminates against one industry, a renewable, clean power industry. And, yes, no source of energy is perfect. The best source is efficiency and I'll say that again and again until I die. It discriminates against one industry in one area, it's bad tax policy, and it's bad economic development policy.

This state is 80 percent dependent on oil for its home heating alone, 100 percent dependent for its transportation. That's a foreign source of fuel. This is about our economy, it's about climate destabilization, it's about national security.

The oil industry reaps enormous subsidies, $45 billion from the federal government in the last 10 years alone. In a vote in the United States Congress, in the Senate, our Senators, who are not from my side of the aisle, voted to end those subsidies. And I'm proud of them for that.

If we want to create a level playing field for indigenous sources of energy that will help our economy move forward, this bill will do nothing to accomplish that and will only drive us backwards, making us more dependent on the Middle East and on other sources of energy that are not necessarily friendly to our interests. Thank you very much, Mr. Speaker.

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

Representative **TILTON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I apologize for rising a second time to oppose the pending motion. I just wanted to clarify a couple of things I heard that I didn't want people to have some misunderstanding about.

A TIF is enabled by the state, but all the decisions about the terms and conditions of that agreement are made by the local community, in this case, the county government. Typically job creation is not a condition of TIFs and I would say that that is because municipal governments are most interested in tax revenue, less interested in job creation. Sometimes the job creation takes the secondary role in the decision, but there is no requirement, that I'm aware of, that jobs have to be created to receive TIF benefits. There are other benefits that the town gets, job creation being one of them, but it is not a requirement. I just wanted to make sure everyone realized that that was never, as far as I know, part of the rationale behind TIFs.

I also am of the opinion and I guess that I may be in the minority here, but in my opinion a cost is not the same as a voided revenue. What a TIF does is holds back potential revenue. It is not creating a new cost. It is simply redirecting revenue to be used for things that are genuinely needed in the unorganized territories and by the counties that are in charge of the unorganized territories. Thank you, Mr. Speaker. I just wanted to clarify those two points.

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

Representative **BURNS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Sorry for rising a second time, but I do feel that there is a couple of things that need to be addressed again. First, to the comments of the fine Representative from Eagle Lake, yes, I'm not from the unorganized territories, but that doesn't absolve me from my duties of sitting on the Taxation Committee and making good decisions for the State of Maine.

As the fine Representative from Saco says, you know we talk about reduced electricity rates. As the Representative from Bowdoinham said, this power is pumped right out of the State of Maine. It's not used in the State of Maine. It's pumped into the grid and as the fine Representative from Saco says, it is spread to New Hampshire, New York, Connecticut. Where is the break for people? You might have a little bit, who knows? You can't follow electricity.

And I disagree that TIFs – and municipal officers, being one for the last seven years – are about creating jobs. When you have jobs and you have business, that's a tax break. If you don't have the jobs, you don't have business. So TIFs, I think as Representative Berry says, we need to really look at this on a large scale of how we're using TIFs and stuff. But right now, I think if this legislation doesn't go through, we're changing the rules. TIFs shouldn't be ongoing growing things. It was specific and I agree we should sit down and we should look at this closely. But again, these folks have their permits, they have the money committed and basically we talk about local representation, Mr. Speaker. Local representation. How many county seats are located in the middle of the unorganized territories, far away from where these things are going up, the decisions being made in some service center municipality, miles and miles and miles and miles away, no matter what the folks from that area have come in to ask to do? Thank you, Mr. Speaker.

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

Representative **DUNPHY**: Thank you, Mr. Speaker. In response to Representative Berry, I would just like to point out a couple of things. One, the electric rates have not decreased as a result of wind power. In terms of national security, a number of the wind companies are actually owned, in fact a majority of them, by foreign, or I shouldn't say the majority. Some of them are owned by foreign companies. A level playing field, we have created a non level playing field simply by the expedited process and by the tax incentives.

If I could quote from an AEI 2007 report, we talk about tax money and subsidies, wind power was listed as receiving $23.37 a megawatt hour as compared to nuclear at $1.59, and natural gas, petrol liquids, was at $0.25 a megawatt hour.

What I feel with this TIF is it's simply a transfer of my tax money to a developer. The deformative taxes from a TIF, we sort of get caught up thinking that perhaps they are giving the counties back money. They're not. It's our own money. It's the tax dollars that they should be paying, except we get to allocate where it goes. It just doesn't make sense to me. Again, I would request that you support this bill.

The SPEAKER: The Chair recognizes the Representative from Pittsfield, Representative Fitts.

Representative **FITTS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. If we want to debate the cause and effect of whether wind development has lowered electricity costs, we're going to have a long day. But I will tell you one thing, wind projects are bidding into the system today at zero dollars. They are taking whatever the rate is and they are displacing the higher cost generators, period. That is not debatable. That is not able to be disputed at all. The reality of jobs in an area compared to the reality of running a municipality or running a region, in the case of unorganized territories, is way more complex than saying which development gives us the most jobs and most bang for the buck. If I proposed to a community that I was going to spend a million dollars on a business, but that business was going to bring in 60 jobs to a town of 4,500 people, that isn't a good buy for the community because those 60 jobs are going to come with them two kids, an extra burden on the school system, busing, fire fighting, security, and the property taxes that come from those people, who now will have to live somewhere in that community, will not be offset by the presence of those folks.

Take another scenario. If I proposed I would bring a million dollar business to your community and that business came with two jobs, but all of the property tax benefits, especially if I could TIF that project so it didn't show up in your valuation, remain in your community. You don't have to turn your money over to the state. I am also not going to put a whole lot of burden on your infrastructure. That is a net gain. So as you start to weigh what is the best economic development engine, what is the best thing for a community, those are complex discussions. They are not so simple as to say I don't like TIFs, I don't like wind, I don't like this.

If I propose to you that you were going to have a hydroelectric plant that was going to flood a thousand acres in the unorganized territory, I operated a hydroelectric plant for 15 years all by myself. There were no other jobs that came with that. That was an eight and a half million dollar investment to the community in Benton, and we built a school, a town office, a bunch of recreation facilities. Those things, when you look at economic development, when you are looking at the issues of bringing a billion dollars to the State of Maine, do you want to discourage them and those attractions by putting obstacles up or making broad statements that one kind of a development should stand out as different, should be treated differently? If we don't like TIFs and unorganized territories, if we don't like the mechanisms by which those decisions are made, then we should do that as a Legislature. But we shouldn't do that, picking off the only development that's really been going on in the State of Maine since the recession began. I encourage you to defeat the present motion, put this bill to death, and allow the Taxation Committee to really consider TIFs, how they work, who should get them, and the mechanisms by which the decisions are made as to what goes into a TIF and what doesn't. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Palermo, Representative Harmon.

Representative **HARMON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I wasn't going to speak on the proposed motion, but after hearing the debate I want to come back to the original intent of the bill. The original intent was to protect the local communities and the citizens of the local unorganized territory. Currently people who live in an unorganized territory have to go to their county commissioners, which could be hundreds and hundreds of miles from where this unorganized territory is. Say the unorganized territory is 16 people. They prefer not to have windmills in their unorganized territory. They have no organized government. They have to go to the county commissioners and say we don't want this, whereas perhaps the county commissioners all want this. What's going on in this unorganized territory, they have no protection. They have no protection and no say just because they are an unorganized territory.

What I've heard from the arguments and sitting on the

Taxation Committee, we heard dozens and dozens and dozens of citizens from unorganized territories in emails that said, please, support this bill. On the flip side, we heard from lobbyists, we heard from wind companies, and we heard from county commissioners. The citizens need to come first and that is the original intent of the bill and that is the original idea that we need to be considering. It is not based on what the county wants. It should be based on where those people live, what they want, whether some of them may want to have wind in the unorganized territories, others may not. But it is something that we need to consider. It is the citizens of the unorganized territory that need protection because they have very little say when it may be across from one side of this state to the other. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Cornell du Houx.

Representative **CORNELL du HOUX**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am opposed to this current motion because it singles out a single industry and picking and choosing winners. State government should not be in the business of picking and choosing winners in the economy. It should be open to the market. Municipalities should have the choice if they want to have a TIF in their area. State government should not be telling them whether or not they can have that choice. We can enable it and they can make their decision from there because the revenue and the benefits that they have seen from these projects.

What I really want to point out, we don't want to send a message to the rest of the nation and the world that we are going to choose certain industries just because we don't like them and then say Maine is not open for business. We need to ensure that Maine is open for business and we want to encourage economic development. Thank you, Mr. Speaker.

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

Representative **McCABE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today after a lengthy debate. I appreciate the lively discussion today. I rise against the pending motion for a few reasons.

I have had some correspondence with our local economic and community development folks and they have four goals. Those four goals are vibrant economic climate, maximized value of our natural resources, reliable infrastructure, and strengthening communities. This issue of wind is a big issue in Somerset County and I think that the idea for this bill actually originates in Somerset County, and I question sort of if this bill is even needed. The Somerset County Commissioners recently turned down a TIF in Somerset County that was a wind TIF. They did that with a local decision and didn't need us to pass a piece of legislation that does sort of single out a single industry. Much of the debate today that I've heard seems to be us sitting here and trying to decide what the best planning for the unorganized territories is. I hear this debate a lot in this chamber where we talk about local control, we talk about home rule, and yet again today we are basing a decision here in Augusta for what's best for the UT and what's best for those counties. I think that the greater discussion really is around planning and what is best for those regions.

You know some of the gains that might occur out of a TIF, be it a wind TIF or another type of TIF in the UT, it could be job creation, infrastructure upgrades. I heard Washington County being recognized as the poorest county in the state. It is probably one of the most beautiful counties in the state. I would also echo that Somerset County is probably one of the poorest counties in the state and we need job creation, we need infrastructure upgrades, we need to expand on our recreational tourism, and there is opportunity here. I encourage everyone not to be scared into voting for this motion based on creating hurdles for sort of this unknown wind power. I have also heard a lot of discussion today that kind of reminds me of not in my backyard, and I don't think that that's really appropriate for this discussion today. 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. 96

YEA - Beck, Bennett, Bickford, Briggs, Bryant, Burns DR, Cebra, Celli, Chase, Cotta, Crafts, Cray, Crockett, Curtis, Dow, Dunphy, Espling, Fitzpatrick, Fossel, Gifford, Harmon, Harvell, Johnson D, Johnson P, Kaenrath, Keschl, Knight, Libby, Long, Malaby, McClellan, McKane, Morissette, Newendyke, O'Connor, Olsen, Peterson, Picchiotti, Richardson W, Rioux, Sanderson, Sarty, Sirocki, Stevens, Timberlake, Volk, Weaver, Winsor, Mr. Speaker.

NAY - Ayotte, Beaudoin, Beaulieu, Beavers, Beliveau, Berry, Black, Blodgett, Bolduc, Burns DC, Cain, Carey, Casavant, Chapman, Chipman, Clark H, Clark T, Clarke, Cornell du Houx, Cushing, Damon, Davis, Dill J, Dion, Driscoll, Duchesne, Eberle, Edgecomb, Eves, Fitts, Flemings, Flood, Foster, Fredette, Gilbert, Gillway, Goode, Graham, Guerin, Hamper, Hanley, Harlow, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Kent, Knapp, Kruger, Kumiega, Lajoie, Longstaff, Lovejoy, Luchini, MacDonald, Maker, Maloney, Martin, Mazurek, McCabe, McFadden, Morrison, Moulton, Nass, Nelson, O'Brien, Parker, Parry, Peoples, Pilon, Plummer, Prescott, Priest, Rankin, Richardson D, Rochelo, Rosen, Rotundo, Russell, Sanborn, Shaw, Strang Burgess, Stuckey, Theriault, Tilton, Treat, Turner, Tuttle, Valentino, Wagner R, Waterhouse, Webster, Welsh, Willette A, Willette M, Wood.

ABSENT - Boland, Wintle.

Yes, 49; No, 99; Absent, 2; Vacant, 1; Excused, 0.

49 having voted in the affirmative and 99 voted in the negative, 1 vacancy with 2 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **NOT ACCEPTED**.

Subsequently, the Minority **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:

(S.P. 273) (L.D. 869) Bill "An Act To Clarify the State's Authority under Public Health Laws for Municipal Inspections of Establishments" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-166)**

(S.P. 452) (L.D. 1461) Resolve, To Implement the Recommendations of the Report on Services for Elders and Other Adults Who Need Long-term Home-based and Community-based Care Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-165)**

(S.P. 479) (L.D. 1517) Bill "An Act To Amend the Uniform Principal and Income Act" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-167)**

(S.P. 498) (L.D. 1559) Resolve, To Transfer the Guilford Butler School to Regional School Unit 13 Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-164)**

(H.P. 90) (L.D. 108) Bill "An Act To Amend the Fees for Infant Lifetime Hunting Licenses" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-391)**

(H.P. 234) (L.D. 290) Bill "An Act To Amend the Maine Secure and Fair Enforcement for Mortgage Licensing Act of 2009" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-427)**

(H.P. 423) (L.D. 540) Bill "An Act To Implement the Insurance Payment Reform Recommendations of the Advisory Council on Health Systems Development" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-428)**

(H.P. 430) (L.D. 547) Resolve, Directing the Maine Center for Disease Control and Prevention To Conduct a Review of Public Health Nuisance Laws (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-407)**

(H.P. 476) (L.D. 646) Bill "An Act To Ensure the Safety of Children in the MaineCare Program Who Are Prescribed Antipsychotic Medications" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-408)**

(H.P. 544) (L.D. 713) Bill "An Act To Amend the Definition of 'Retail Sale' for Purposes of the Sales and Use Tax Law" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-433)**

(H.P. 573) (L.D. 766) Bill "An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2012" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-383)**

(H.P. 583) (L.D. 776) Bill "An Act To Create a Fair Process for Energy Service Companies Contracting with Maine Schools" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-386)**

(H.P. 675) (L.D. 915) Bill "An Act To Clarify the Exemption of Lineworkers from Maine Electrician Licensing Laws" (EMERGENCY) Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-395)**

(H.P. 686) (L.D. 926) Bill "An Act To Increase the Credit Toward Payment of Fines Given for Jail Time" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-414)**

(H.P. 711) (L.D. 967) Bill "An Act To Cut the Cost of Behavioral Health Care in Hospital Emergency Rooms and To Enhance Access to Peer Support and Community-based Services" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-424)**

(H.P. 841) (L.D. 1129) Bill "An Act To Provide the Department of Environmental Protection with Regulatory Flexibility Regarding the Listing of Priority Chemicals" Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-421)**

(H.P. 845) (L.D. 1139) Bill "An Act To Require Students To Receive Instruction in Cardiopulmonary Resuscitation and the Use of an Automated External Defibrillator prior to Graduation" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-387)**

(H.P. 887) (L.D. 1196) Bill "An Act To Clarify Assistance for Persons with Acquired Brain Injury" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-409)**

(H.P. 903) (L.D. 1212) Bill "An Act To Improve Hospital Reporting of MRSA Data" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-410)**

(H.P. 918) (L.D. 1227) Bill "An Act Concerning the Disposal of Unclaimed, Lost or Stolen Personal Property by Law Enforcement Agencies" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-413)**

(H.P. 945) (L.D. 1290) Resolve, To Promote Prevention Practices in Oral Health Care Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-411)**

(H.P. 1007) (L.D. 1368) Bill "An Act To Adjust Payroll Processor License Fees" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-394)**

(H.P. 1039) (L.D. 1413) Bill "An Act To Amend the Maine Juvenile Code To Address the Issue of Competency" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-412)**

(H.P. 1071) (L.D. 1456) Bill "An Act Regarding the Right of Native Americans To Be Issued Hunting, Trapping and Fishing Licenses" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-392)**

(H.P. 1075) (L.D. 1466) Bill "An Act To Ensure Regulatory Parity among Telecommunications Providers" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-399)**

(H.P. 1113) (L.D. 1510) Bill "An Act Regarding Information Provided to Consumers by Competitive Electricity Providers" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-398)**

(H.P. 1145) (L.D. 1560) Bill "An Act To Update Professional and Occupational Licensing Statutes" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-396)**

(H.P. 1155) (L.D. 1573) Bill "An Act To Allow Retired Dentists To Obtain a License To Practice in Nonprofit Clinics" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-397)**

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

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

(H.P. 128) (L.D. 145) Bill "An Act To Protect Homeowners Subject to Foreclosure by Requiring the Foreclosing Entity To Provide the Court with Original Documents" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-425)**

On motion of Representative KNIGHT of Livermore Falls, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ**.

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

(H.P. 479) (L.D. 649) Bill "An Act Regarding Special Taste-testing Festivals" (EMERGENCY) Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-393)**

On motion of Representative FITTS of Pittsfield, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ**.

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

(H.P. 825) (L.D. 1113) Bill "An Act To Encourage Fishing for Individuals with Disabilities" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-382)**

On motion of Representative DAVIS of Sangerville, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ**.

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

(H.P. 912) (L.D. 1221) Bill "An Act To Encourage Prompt Payments by the State When It Contracts with Outside Agencies" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-389)**

On motion of Representative COTTA of China, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ**.

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

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

BILLS IN THE SECOND READING

House as Amended

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Unicameral Legislature

(H.P. 599) (L.D. 804)
(C. "A" H-347)

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.

ENACTORS

Acts

An Act To Amend the Laws Governing the Ground Water Oil Clean-up Fund

(H.P. 501) (L.D. 671)
(H. "A" H-314 to C. "A" H-274)

An Act To Extend the Use of Underground Storage Tanks

(S.P. 210) (L.D. 721)
(S. "A" S-142 to C. "A" S-119)

An Act To Allow the City of Bangor To Replace the Bangor Auditorium and Civic Center at the Bass Park Complex

(S.P. 283) (L.D. 895)

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.

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

Expression of Legislative Sentiment recognizing Dr. Morton B. Panish, of Freeport.

(HLS 458)

Which was **TABLED** by Representative WEBSTER of Freeport pending **PASSAGE**.

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

Representative **WEBSTER**: Thank you, Mr. Speaker. June 1, 1970, was 41 years ago today. I want to thank you, Mr. Speaker, for recognizing the importance of this date, and all of you, the men and women of the House, for providing me the time today to honor Dr. Panish on this significant day.

June 1, 1970, was described as the date of an "epoch-making development" which took place at the hands of Dr. Panish and his colleague Dr. Hayashi. In the Webster's Dictionary epoch is described as the beginning of a distinctive period of history.

"An 'epoch-making development' that advanced the world of optoelectronic device research and 'paved the way for the practical use of semiconductor lasers'."

Think lasers, think bar code scanners, think CD players. Think bigger though. Think of this discovery paving the way for worldwide IT communication.

It is a pleasure for me to honor Dr. Mort Panish on this significant anniversary of a breakthrough achievement. Dr. Panish would be quick to point out that this honor is just about a moment in the life of someone devoted to learning and contribution.

In fact, I think Dr. Panish is a little caught off guard about this attention. He is fundamentally an understated and firmly quiet gentleman.

He says that his success comes from the collaboration and work of many, not just his own efforts. He would also say that his success came from working in an amazing environment in which experimentation, risk, and failure were allowed and recognized as an important part of eventual success. This is a work environment he fears is less available today.

So, why provide this attention today? The world should know of achievements and milestones in mankind's history. These moments encourage the work of us all and inspire those who will follow. While I do not want to overstate this achievement, when you read in the narrative of the Kyoto Award, this is an epic achievement. One must take notice.

As the Sentiment states, the Kyoto Award is akin to the Nobel Prize. To quote the founder, Dr. Inamori, of the Kyoto Award which was awarded to Dr. Panish 10 years ago, the purpose was

"to recognize the extraordinary achievements...and to stimulate them and others to still greater heights."

Dr. Inamori continues: "Those worthy of the Kyoto Prize will be people who have worked humbly and devotedly, sparing no effort to seek perfection in their chosen professions. They will be individuals who are sensitive to their own human fallibility and who thereby hold a deeply rooted reverence for excellence. Their achievements will have contributed substantially to the cultural, scientific, and spiritual betterment of mankind. Perhaps most importantly, they will be people who have sincerely aspired through the fruits of their labors to bring true happiness to humanity."

Several years ago I had the opportunity to visit the home of Mort, Dr. Panish, and his wife Evelyn Panish. They are very proud of their "Green Home" which was awarded a Leadership in Energy & Environmental Design (LEED) award. LEED is an internationally recognized green building certification system.

During the visit I saw the amazing design of his home, his stunning photography and his wide collection of photographic equipment spanning, pretty much, the history of photography.

We spoke about a wide range of issues and while I was visiting and getting this tour, I came across a small framed note on Mort's office wall. Just a little note, a few inches square in a glass frame. I said, "Well, what's that?" and he casually mentioned it was a note written to him when he and his partner achieved an operational breakthrough that led to the Kyoto Award.

As a lay person, I could not fully comprehend all the steps that led to the breakthrough. And at the risk that Dr. Panish will wince as I misrepresent the science behind this discovery; prior to this breakthrough, although their potential was greatly understood, lasers only worked intermittingly in special controlled environments to keep them from overheating and self-destructing.

I don't fully understand all the work, the trial and error, the wrong turns, the broken experiments, the frustrating days and nights that led to this eventual breakthrough. But I understand and I understood, at that moment, when I stood there with Dr. Panish and he explained the significance of that little note, in his understated way. I understood I was standing next to a man who others in his profession had recognized for a major achievement.

So let me read a few other additional awards. Electronics Diversion Award, Electrochemical Society; Fellow, The American Physical Society; Solid State Science Award; C&C Prize, Japan; International Crystal Growth Award, American Association of Crystal Growth; Fellow of the International Institute of Electrical Engineers; Morris N. Liebmann Award, Institute Electric and Electronic Engineers; the John Bardeen Award, The Minerals, Metals and Material Society of the United States of America; National Academy of Sciences; National Academy of Engineering.

The Kyoto Prize was created as a means of recognizing persons who have made outstanding contributions to the progress of science, the advancement of civilization, and the enrichment and elevation of the human spirit.

Certainly Dr. Panish will continue to be the warm, kind gentleman who is highly regarded in his community as, simply, "Mort," however just as the Kyoto Award was a moment in the long accomplished day by day life of a devoted scientist, I wish to take this moment to honor Dr. Panish on June 1, 2011, on the anniversary of his achievement. Thank you, Mr. Speaker.

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

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

CONSENT CALENDAR
First Day

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

(H.P. 550) (L.D. 743) Resolve, Regarding Legislative Review of Portions of Chapter 101, MaineCare Benefits Manual Chapter III, Section 21: Allowances for Home and Community Benefits for Members with Intellectual Disabilities or Autistic Disorder, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 735) (L.D. 999) Bill "An Act To Correct a Statutory Oversight Regarding the Public Utilities Commission's Ability To Use Certain Funds" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-437)**

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 Amend the Requirements Concerning Small Restaurants That Serve Alcoholic Beverages

(H.P. 997) (L.D. 1358)
(C. "A" H-366)

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

Emergency Measure

An Act Honoring Gold Star Families through Special Registration Plates

(H.P. 1123) (L.D. 1529)
(C. "A" H-355)

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

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

Representative **CEBRA**: Thank you, Mr. Speaker. I would like to briefly speak on this to clarify a couple of things that have come up since this bill was in the Transportation Committee.

This bill creates this special gold star family license plate. Several people have asked me is this another vanity plate, is this another plate like the Ag plate or the sportsman plate or the yellow ribbon plate or the pink ribbon plate? No, it is not. This is a special plate for families of those who have fallen in the line of duty, gold star moms and family members.

The entire committee worked on this bill. It is a fantastic way for the state to show those families some recognition for their family member who has paid the ultimate sacrifice. Representative Moulton sponsored the bill. The entire committee worked on it. We had to go around and around a few times on that. It wasn't an easy bill because it really is a special circumstance and to provide that kind of recognition for these families is a fantastic thing for the state to do. There is no cost

associated to the state. It is all being covered. I request a roll call, Mr. Speaker. Thank you.

Representative CEBRA of Naples **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

ROLL CALL NO. 97

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Beliveau, Bennett, Berry, Bickford, Black, Blodgett, Boland, Bolduc, Briggs, Burns DC, Burns DR, Cain, Carey, Casavant, Cebra, Celli, Chapman, Chase, Chipman, Clark H, Clark T, Clarke, Cornell du Houx, Cotta, Crafts, Cray, Curtis, Cushing, Damon, Davis, Dill J, Dion, Dow, Driscoll, Duchesne, Dunphy, Eberle, Edgecomb, Espling, Eves, Fitts, Fitzpatrick, Flemings, Flood, Fossel, Foster, Fredette, Gifford, Gilbert, Gillway, Goode, Graham, Guerin, Hamper, Hanley, Harlow, Harmon, Harvell, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Johnson D, Johnson P, Kaenrath, Kent, Keschl, Knapp, Knight, Kruger, Kumiega, Lajoie, Libby, Long, Longstaff, Lovejoy, Luchini, MacDonald, Maker, Malaby, Maloney, Martin, Mazurek, McCabe, McClellan, McFadden, McKane, Morissette, Morrison, Moulton, Nass, Nelson, Newendyke, O'Brien, O'Connor, Olsen, Parker, Parry, Peoples, Peterson, Picchiotti, Pilon, Prescott, Priest, Rankin, Richardson D, Richardson W, Rioux, Rochelo, Rosen, Rotundo, Russell, Sanborn, Sanderson, Sarty, Shaw, Sirocki, Stevens, Strang Burgess, Stuckey, Theriault, Tilton, Timberlake, Treat, Turner, Tuttle, Valentino, Volk, Wagner R, Waterhouse, Weaver, Webster, Welsh, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

NAY - NONE.

ABSENT - Bryant, Crockett, Plummer, Wintle.

Yes, 146; No, 0; Absent, 4; Vacant, 1; Excused, 0.

146 having voted in the affirmative and 0 voted in the negative, 1 vacancy with 4 being absent, 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; H. "A" H-371)

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. 136 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Make Disputed Ballots in State Elections Public

(H.P. 225) (L.D. 277)
(C. "A" H-178)

An Act To Allow the Towns of Mapleton, Castle Hill and Chapman To Adopt a Policy To Simplify the Municipal Disbursement Warrant Process

(H.P. 226) (L.D. 278)
(C. "A" H-367)

An Act To Enhance the Security of Hospital Patients, Visitors and Employees

(H.P. 365) (L.D. 472)
(C. "A" H-360)

An Act To Declare Certain Records of the Maine Commission on Indigent Legal Services Confidential

(S.P. 189) (L.D. 609)
(C. "A" S-179)

An Act Concerning the Protection of Personal Information in Communications with Elected Officials

(H.P. 817) (L.D. 1082)
(C. "A" H-361)

An Act To Expand the Availability of Natural Gas to the Citizens of Maine

(S.P. 324) (L.D. 1091)
(C. "A" S-178)

An Act To Make Municipal Recounts Consistent with State Recounts

(S.P. 343) (L.D. 1134)
(C. "A" S-176)

An Act Regarding Protection Orders

(H.P. 1004) (L.D. 1365)
(C. "A" H-362)

An Act To Amend the Maine Administrative Procedure Act

(H.P. 1036) (L.D. 1410)
(C. "A" H-368)

An Act Concerning the Recording of Plans for Subdivisions

(S.P. 447) (L.D. 1460)
(C. "A" S-175)

An Act To Amend the Maine Business Corporation Act

(H.P. 1103) (L.D. 1502)
(C. "A" H-363)

An Act To Amend Licensing and Certification Laws Administered by the Department of Health and Human Services

(H.P. 1129) (L.D. 1537)
(C. "A" H-359)

An Act To Amend the Laws Governing the Maine Turnpike Authority and To Implement Certain Recommendations of the Government Oversight Committee in the Office of Program Evaluation and Government Accountability Report Concerning the Maine Turnpike Authority

(H.P. 1130) (L.D. 1538)
(C. "A" H-354)

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.

UNFINISHED BUSINESS

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

Bill "An Act To Prohibit Forced Payment of Labor Union Dues or Fees by Workers"

(H.P. 595) (L.D. 788)

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

PENDING - **FURTHER ACTION**.

On motion of Representative WINSOR of Norway, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

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

The House recessed until 2:00 p.m.

(After Recess)

The House was called to order by the Speaker.

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

ENACTORS

Acts

An Act To Revise Notification Requirements for Pesticide Application

(H.P. 181) (L.D. 228)
(C. "A" H-244)

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

On motion of Representative DILL of Old Town, was **SET ASIDE**.

The same Representative moved that the rules be **SUSPENDED** for the purpose of **RECONSIDERATION**.

Representative CURTIS of Madison **REQUESTED** a roll call on the motion to **SUSPEND** the rules for the purpose of **RECONSIDERATION**.

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 Suspension of the rules for the purpose of Reconsideration. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 98

YEA - Beaudoin, Beavers, Beck, Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, 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, Moulton, Nelson, O'Brien, Peoples, Peterson, Pilon, Priest, Rankin, Rochelo, Rotundo, Russell, Sanborn, Shaw, Stevens, Strang Burgess, 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, Nass, Newendyke, O'Connor, Olsen, Parker, Parry, Picchiotti, Plummer, Prescott, Richardson D, Richardson W, Rioux, Rosen, Sanderson, Sarty, Sirocki, Tilton, Timberlake, Turner, Volk, Waterhouse, Weaver, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

ABSENT - Carey, 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 motion to **SUSPEND** the rules for the purpose of **RECONSIDERATION FAILED**.

Representative McCABE of Skowhegan **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

ROLL CALL NO. 99

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

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

ABSENT - Carey, Wintle.

Yes, 79; No, 69; Absent, 2; Vacant, 1; Excused, 0.

79 having voted in the affirmative and 69 voted in the negative, 1 vacancy with 2 being absent, and accordingly Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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 (12) **Ought to Pass as Amended by Committee Amendment "A" (H-364)** - Minority (1) **Ought Not to Pass** - Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Allow a Snowmobile Registered in New Hampshire To Be Operated in This State"

(H.P. 729) (L.D. 993)

TABLED - May 26, 2011 (Till Later Today) by Representative DAVIS of Sangerville.

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

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

Representative **CLARK**: Thank you very much, Mr. Speaker. Mr. Speaker, Men and Women of the House. I really didn't have any intention to speak on this until I went back downstairs and got a copy of the amendment. The amendment itself takes the place of the bill. Apparently it looks like a fiscal note attached to the bill, maybe a sizeable amount of money added to the bill. It doesn't only deal with snowmobiles from New Hampshire.

I believe it opens a floodgate for everybody here in the State of Maine to come...

The SPEAKER: Will the Representative defer. Are you referring to the House Amendment which may be coming?

Representative **CLARK**: Yes, sorry.

The SPEAKER: We're not quite there yet. We will get back to you. Is it now the pleasure of the House to Accept the Majority Ought to Pass as Amended Report? It's a vote.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-364)** was **READ** by the Clerk.

Representative DAVIS of Sangerville **PRESENTED House Amendment "A" (H-426)** to **Committee Amendment "A" (H-364)**, which was **READ** by the Clerk.

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

Representative **DAVIS**: Thank you, Mr. Speaker. This amendment merely puts a two-year sunset on the bill. It will expire in October 2013. Thank you.

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

Representative **CLARK**: Thank you very much, Mr. Speaker. Mr. Speaker, Men and Women of the House. I will save you some words I mentioned earlier. I move that this bill and all accompanying papers be Indefinitely Postponed.

Representative CLARK of Millinocket moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

The SPEAKER: The Chair would rule that the motion to Indefinitely Postpone this bill and all of its accompanying papers was out of order.

The Chair advised Representative CLARK of Millinocket that his Motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers was **OUT OF ORDER**.

Representative CLARK of Millinocket moved that **House Amendment "A" (H-426)** to **Committee Amendment "A" (H-364)** be **INDEFINITELY POSTPONED**.

Representative DAVIS of Sangerville **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-426)** to **Committee Amendment "A" (H-364)**.

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 Millinocket, Representative Clark.

Representative **CLARK**: Thank you very much, Mr. Speaker. Mr. Speaker, Men and Women of the House. I hate to prolong this on a 12-1 report, but I feel pretty adamant about the state is going to lose revenue, it is going to hurt the snowmobile industry, it is going to open the floodgates and have people come in here when a three-day use of the trail system or whatever they are going use. We worked extremely hard over the years to have what we have in place today. I wouldn't mind it if it was different, but the way it is I can't live with it and I hope when you vote, you vote with me today. Thank you very much, Mr. Speaker.

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

Representative **SHAW**: Thank you very much, Mr. Speaker. The current motion to Indefinitely Postpone the House Amendment with filing number of 426, this House Amendment, is what the Maine Snowmobile Association wanted, this amendment to put the sunset for two years on this bill. I am going to be voting against the current motion.

Also, to the bill itself, we're talking about reciprocity for one weekend. The committee with the 12-1 report felt like if we allow other people from other states to ride for that one weekend out of the entire year, that they would see how good our trail systems are and that they would probably at that point buy season registration. The theory that people are going to stop buying their three-day registration because we're going to offer them one weekend to ride in this state, in my opinion, isn't going to happen. The only thing that this bill will do is entice people to buy a season registration and come back over and over again, because our trail systems are by far the best in this part of the country, if not the whole country. Especially with the sunset clause with the bill, we do this for two years, see how it works out, then it is sunsetted. Thank you, Mr. Speaker.

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

Representative **WOOD**: Thank you, Mr. Speaker. This bill is a win/win situation for the State of Maine and New Hampshire, the businesses around the New Hampshire and Maine border. We're going to get New Hampshiremen to come over here to Maine, snowmobile, see our great trails. Maine is going to be able to go to New Hampshire, see that they have okay trails and you are going to have a lot of people registering their sleds here in Maine. They are going to do a lot more snowmobiling. That's all.

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

Representative **DAVIS**: Thank you, Mr. Speaker. Mr. Speaker, this week I have spoken with the executive director of the Snowmobile Association. I also have spoken with Mr. Scott Ramsey, who runs the snowmobile division of the department, and with the amendment, they all support this. Mr. Ramsey told me that had they been in before the committee to testify, that they would have come in neutral, that they did not know whether it was going to cost the state revenue or whether the state might possibly gain revenue. New Hampshire did this with Vermont and while they didn't have any figures to give us, they did say that they felt that it was a great success. They planned to do this early in January before there is any holiday weekend or anything like that. It would be a weekend that normally wouldn't be a lot of out-of-staters coming anyway and it is designed to hopefully spur some business, both the state and the private business. Thank you very much.

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. This is a bill that I put forward for a constituent. I didn't realize when I got into it what it was all about and it was a real good learning experience. We had a representative from the good state of New Hampshire come over and visit us, the head of one of their departments. They have done this with Vermont. It became very pro business for Vermont. It worked out well with Vermont. They would like to try it with Maine. We put a sunset on this. I would really like to see us just try this. If it doesn't work, we don't have to continue it. It is a very straightforward simple thing. I think it is pro business. I think it is good for the State of Maine. Please follow my light.

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

Representative **THERIAULT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just so I understand what we're voting on, the first part of the bill I understand it to have been accepted, and now we are voting on the sunset and the sunset only?

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-426) to Committee Amendment "A" (H-364).

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

ROLL CALL NO. 100

YEA - Blodgett, Bryant, Clark H, Graham, Harlow, Haskell, Kaenrath, Martin, Russell, Theriault, Tuttle.

NAY - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Beliveau, Bennett, Berry, Bickford, Black, Boland, Bolduc, Briggs, Burns DC, Burns DR, Cain, Casavant, Cebra, Celli, Chapman, Chase, Chipman, Clark T, Clarke, Cornell du Houx, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dill J, Dow, Driscoll, Duchesne, Dunphy, Eberle, Edgecomb, Espling, Eves, Fitts, Fitzpatrick, Flemings, Flood, Fossel, Foster, Fredette, Gifford, Gilbert, Gillway, Goode, Guerin, Hamper, Hanley, Harmon, Harvell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Johnson D, Johnson P, Kent, Keschl, Knapp, Knight, Kruger, Kumiega, Lajoie, Libby, Long, Longstaff, Lovejoy, Luchini, MacDonald, Maker, Malaby, Maloney, Mazurek, McCabe, McClellan, McFadden, McKane, Morissette, Morrison, Moulton, Nass, Nelson, Newendyke, O'Brien, O'Connor, Olsen, Parker, Parry, Peoples, Peterson, Picchiotti, Pilon, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Rioux, Rochelo, Rosen, Rotundo, Sanborn, Sanderson, Sarty, Shaw, Sirocki, Stevens, Strang Burgess, Stuckey, Tilton, Timberlake, Treat, Turner, Valentino, Volk, Wagner R, Waterhouse, Weaver, Webster, Welsh, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

ABSENT - Carey, Dion, Wintle.

Yes, 11; No, 136; Absent, 3; Vacant, 1; Excused, 0.

11 having voted in the affirmative and 136 voted in the negative, 1 vacancy with 3 being absent, and accordingly the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-426)** to **Committee Amendment "A" (H-364) FAILED**.

Subsequently, **House Amendment "A" (H-426)** to **Committee Amendment "A" (H-364)** was **ADOPTED**.

Committee Amendment "A" (H-364) as Amended by House Amendment "A" (H-426) 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-364) as Amended by House Amendment "A" (H-426)** thereto and sent for concurrence.

SENATE PAPERS

The following Joint Order: (S.P. 514)

ORDERED, the House concurring, that Bill, "An Act To Modify the Laws Regarding Status as an Independent Contractor," S.P. 437, L.D. 1420, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

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

READ and **PASSED** in 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. 200) (L.D. 247) Bill "An Act To Amend the Gift Card Laws" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-442)**

(H.P. 852) (L.D. 1154) Bill "An Act To Implement the Recommendations of the Right To Know Advisory Committee" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-441)**

(H.P. 1082) (L.D. 1473) Bill "An Act To Clarify Rights-of-way Laws" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-440)**

(H.P. 597) Joint Order Establishing the Joint Select Committee on Health Care Costs Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-439)**

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.

(H.P. 522) (L.D. 693) Bill "An Act Concerning Solid Waste Facility Citizen Advisory Committees" Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-444)**

On motion of Representative HAMPER of Oxford, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ**.

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

REPORTS OF COMMITTEE
Divided Reports

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Impose a Penalty for Making False Claims Regarding Military Service"

(H.P. 354) (L.D. 461)

Signed:

Senators:

MASON of Androscoggin
GERZOFSKY of Cumberland
WHITTEMORE of Somerset

Representatives:

PLUMMER of Windham
BURNS of Whiting
CLARKE of Bath
HANLEY of Gardiner
HASKELL of Portland
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-423)** on same Bill.

Signed:

Representative:

BLODGETT of Augusta

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 Not to Pass** on Bill "An

Act To Exempt Firearms Manufactured in this State from Federal Regulation"

(H.P. 866) (L.D. 1168)

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
LONG of Sherman
MORISSETTE of Winslow
SANDERSON of Chelsea

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.
Signed:
Representative:
BURNS of Whiting

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 **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought Not to Pass** on Bill "An Act To Create the Children's Wireless Protection Act"

(H.P. 750) (L.D. 1014)

Signed:
Senators:
THIBODEAU of Waldo
BARTLETT of Cumberland
RECTOR of Knox

Representatives:
FITTS of Pittsfield
CORNELL du HOUX of Brunswick
CRAY of Palmyra
DION of Portland
DUNPHY of Embden
HAMPER of Oxford
LIBBY of Waterboro
LUCHINI of Ellsworth

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-404)** on same Bill.
Signed:
Representatives:
BEAVERS of South Berwick
HINCK of Portland

READ.

Representative FITTS of Pittsfield moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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 ask you to reject this motion and let the alternative come forward because, as you know, just from recent news, that we are dealing with what could be potentially a health issue for our people, and the alternative is to just allow folks to have the opportunity to know information that could be helpful to them. I think that you would find if you talked to folks in your district, that they would like to probably have more information rather than less.

The Majority Report is not as large a majority as it was. Initially the majority of the committee was trying to find the right words to say what they wanted to say. So if you would kindly let that information come forward so we can go on to the alternative, which would permit people to have information that they don't currently see now and hear more, because the issue is only information, and it is only to let people know what is currently available to them in their manuals so that they can advise their children and themselves how to be safe. And just recall that with the World Health Organization coming forward just now and heeding such big news. It is big news for the World Health Organization to validate the science that has been around for some time, that points to the fact that essentially about half the studies available show that there is really harm potential from cell phones. There is the other half of the studies that show, well, maybe not, we're not sure, but saying you are not sure that there is harm, even in those, is not the same as saying that cell phones are safe. In fact, what we really see is that the CTIA, which is the cell phone industry itself, does not claim that they are safe, and they bring that up whenever they testify. So if you could bear with us and just allow more information to come forward and not reject the opportunity for our people to get a little bit more information, trust that what the World Health Organization is saying is something that we all really need to hear and allow more awareness for our people to come forward.

It is really very interesting. At the same time that Maine is addressing this issue, the State of California already is, and the City of San Francisco has also. So if you would kindly let us move forward and give a chance to hear what the alternative is, which is simply to let people understand that there is information they're not seeing in their manuals that is put there because it is required by the government of the United States to give them an opportunity to see that, that would be great. Please do not vote green on this one. Please vote red. Thank you.

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

Representative **DUNPHY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I originally voted against this in committee, but I have seen what I would consider a significant amount of information and credible data since that vote. I think one of the key things that changed my mind after I thought about this a bit is someone asked "Will you pass this information on to your family?" I certainly would, I did, and I guess if you answer yes, then why would you not give the same courtesy to everyone else in the State of Maine? So I will be voting to reject this motion and hopefully will be supporting an amendment. 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 oppose the pending motion. This matter came to the Energy, Utilities and Technology Committee. It is one of those bills that perhaps could have ended up in a number of committees, but I was immediately thinking Health and Human Services. The bill raised a number of issues, proposed warnings on cell phones, obviously in connection with

health-related data.

One of the first issues to come to mind was federal preemption. Federal preemption, as we know, relates to those areas that the federal government has assumed responsibility over. Many people have come to believe that perhaps the states have ceded more territory to the federal government than we should have and was part of the scheme of this country. I do think, having looked at the issue when it comes to warnings over health, the state has tremendous authority. In fact, the health and safety of the citizens of the State of Maine is a plenary responsibility of the government of the State of Maine and of its Legislature.

We didn't actually hear that strong an argument from the manufacturers on preemption. They did raise the issue that they referred to as compelled speech, actually requiring them to say words that they didn't want to say. I asked in committee about how that squared with warnings that were on cigarette packages that we're all familiar with and the Representative from the association representing the manufacturer said he wasn't familiar with tobacco. I wanted him to discuss the warnings, not the tobacco, and he wouldn't take the bait. But it seems to me that a warning in this instance would be analogous very much to the warnings on tobacco and that the compelled speech argument was a little attenuated.

It did raise the issue of the health effects of using cell phones and I was reluctant, in some respects, to get into that because we're not the Health and Human Services Committee. But the bill was before the committee and we were getting a large number of e-mails from people who think that this should be adopted. So I, for the second time now, started to read some of the studies and I think one of the first things that is obvious on looking into it is that the leading issue in health effects is brain cancer. One thing to know about brain cancer or one thing that I saw in doing reading was that it is actually a very rare cancer. Approximately six and a half cases are diagnosed for 100,000 adult Americans per year.

The next very interesting fact is that the rates of brain cancer have not been going up. Cell phones now are obviously very common. They were put to greater use in other countries before they became common in the United States, in part because the land line phone service in other countries wasn't as good as the land line phone service was in the United States and people adopted and embraced cell phone technology in other countries. But I didn't see data making it plain that brain cancer rates have been going up in these other countries either, countries like Finland or Italy, although there are indications that some researchers have reached a contrary view.

The reason why I don't think we can draw that much comfort from the fact that brain cancer rates haven't gone up yet is that the latency period for a cancer of that kind can be very long. Twenty years would not be uncommon, longer would not be uncommon. Unfortunately, I didn't feel like it had entirely set that issue aside and reading the literature I have two concerns. One was how our committee and how the Legislature should deal with this bill, and the second concern was that my daughter now has had a cell phone for several years and a lot of the literature kept pointing to the possibility of greater risk among children.

There have been some large case studies, controlled studies, performed on brain cancers and cell phone use. Looking at the results and looking at the analysis of these results, I think it is fair to say that a tie between radiofrequency energy, or non-ionizing radiation if you will, has not been conclusively established, and there are some qualified assurances of safety that can be drawn from the studies that have been done to date. So with that conclusion, I still come away deciding that it was wise for me to discuss what I have learned with my daughter.

She didn't resist the idea that there might be a problem with cell phones and I am happy to say that she is going to take precautions and is taking precautions that are recommended, for example, when the cell phone is making a connection, to keep it away from your head. Also, of course, text messaging is safer than using the cell phones for calls. In fact, if you have the phone far enough away for you to see the keypad, it is apparently quite a safe device. Kids are communicating much more by text message than by phone calls, they don't want to give that much time to a phone call. A text message gets the job done. So that works out well in connection with my daughter, at least for right now. I have some regrets that she started using a cell phone much younger, of course, than I ever did, but that's something we can take care of.

In committee I was skeptical of the bill or the need for the bill since it hadn't been demonstrated that this was harmful. But an interesting discussion came up in the course of going through the bill and that was that our cell phones come with what sure looks like warning language packed inside. As far as I know just about every cell phone, so if you've still got the packaging from when you bought your cell phone, you can probably find language that looks like warning language. I was taken with the language that was in the Blackberry package. If you go in there and you go deep through your user's manual, it actually tells you to use hands-free operation if it is available and keep the Blackberry device at least .98 inches from your body, then this curious addition, including the abdomen of pregnant women and the lower abdomen of teenagers. There is no way I could read that language and not see what appeared to be a health-related warning. If it is the operation of the cell phone next to your ear and you keep it .98 inches away, perhaps the guidance has to do with getting the best sound or something else having to do with the operation of it. That doesn't make sense actually because my cell phone sounds better when it is right up against my ear, but maybe that's what they might have been referring to. But that doesn't make sense when it comes to keeping the phone away from the abdomen of a pregnant woman or, specifically mentioned, teenagers, so it was natural to turn to the industry and ask them for an answer on that.

The one gentleman representing the trade association really avoided the question, so I turned to lobbyists representing clients that work here in Maine, and you all know Ed Pineau. Ed said he could get an answer from his clients to that question. He represented TechAmerica and they represent, in turn, Apple and Blackberry and others. He assumed that an answer would be forthcoming quickly, so it was a two-part question. Why do you have warnings in the phones though with that warning language and do you want people to read it. Ed had to come back after a few days of genuinely trying and said that his client appeared to not want to answer the questions. So we were not going to get an answer in committee on why those warnings were there and whether or not they want people to actually read them. So it is the basis of the deliberation that went on after that and the minority and given the posture of the bill right now, I can't get into detail on that, but basically the principle is if you are going to tell people in Maine that you've warned them, that it seems to me that the warnings you provided should actually be in a position to be read, not buried as they were in one manual on page 36 of small print. So irrespective of whether anybody has been convinced that the instrument is dangerous and will cause brain tumors, if they come with warnings, then we would want people in Maine to actually have been warned.

Looking at it another way, many of us are going to continue to use cell phones. Unfortunately, many Maine kids will probably use cell phones. Currently I would assume that most of them know nothing about warning language that comes with their phone, which is remarkable in and of itself, but there it is. I would be personally more than offended if some years from now, 10 or 20, the people who were Maine children today are developing brain cancer as a result of using the phone and the manufacturers turn to them and said, but you were warned, we warned you, and they pull out the old manuals and go through 36 pages of small print and get to page 36 and it will tell them we told you to put the phone .98 inches from your ear, and not one of them would have ever known that language was there. I don't think we can leave it that way and I wasn't comfortable with leaving it that way and, for that reason, I ask you to vote against the pending motion.

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. I am very aware of the good Representative from Sanford, Representative Boland's sincerity on this issue and that is why that I said I would say a few words about this issue. She has been concerned for a number of years.

I have to say that I do not think that the good Representative from Sanford is asking too much by asking that a label be placed on the phone, asking that the user read about the probable effects of constant or prolonged use of a cell phone. Although brain tumors have been part of our medical history for many, many years, there has been a slight increase, or an increase to some extent, after the advent of a cell phone.

What I am asking my fellow Representatives to do is use your common sense and your best judgment in voting for this particular issue. Cell phones are around, cell phones will be around and probably won't go away, but as far as a label on the cell phone, I think it is a reasonable request. She is very sincere about this issue and I will support Representative Boland's bill. Thank you.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is 2011, as I am sure you're all painfully aware. Back in 2004, I was in college still and one of my professors actually brought this issue to my attention. He actually brought it to the attention of the entire class. Now in a semester you have a certain number of days that you are allowed to get stuff done and he took an entire day to talk about this issue. Now we're not talking about some leftwing class or craziness. It was an advertising class. It was in the business class. So it was an advertising executive who was absolutely dedicated to this issue and the reason being is that his wife had been diagnosed with brain cancer and they were pretty concerned and they were pretty convinced that it had to do with cell phones.

Now when he first brought it up, I thought it was total craziness, completely off the wall. Even me, I wasn't even going to go there. But he started getting into the specifics and he showed us this documentary of this scientist who had been commissioned by the industry to look at the issue. This is six or seven years ago and the documentary was even older. The scientist went into it thinking, oh, there's not going to be any data that says that there is a problem, and he went into it and did his thing, and when the stats came out, he was pretty clearly convinced that there was a problem. According to this documentary, not only did the industry bury the study, they tried to bury him. They went on an all out smear attack trying to discredit his work.

Now this is back in 2004 that I watched this and sort of had it in the back of my brain, so when the good Representative from Sanford brought it up two years ago, and then again this year, I had to jump on board and say, you know what, I'm with you, because I still go back to the fact that my professor's wife was dying of brain cancer and he took one full day.

But then you come back to 2011 and I just happened to be sitting in the Energy Committee waiting for a couple of my bills to come up and I got to sit through the work session. Let me tell you, we all had the little shoes out today. Our shoes have got nothing on the shiny shoe brigade that came to the Energy Committee. Nice Italian leather, perfect Italian suit. I don't think that I could buy a suit on my salary for a year, let alone what he paid for it, and he sat there and he fought and he fought and he fought. You would have thought that he was on trial himself. Every time a question was asked, whether it was from the good Representative from Pittsfield or the good Representative from Portland, every time a question was asked he obfuscated or he actually challenged the premise of the question itself. When they were asked "Why would you put in place something that talked about .98 inches – not an inch, not a half inch, not three quarters of an inch, .98 – why would you put that into your own books if there was not an issue?" Then they got into the semantics of is this a warning or is this a notification? Well, what's the purpose of a notification and why do you put something in your manual if there is nothing wrong, and why would you give such specifics and why would you say things like you probably shouldn't put it next to the abdomen of a pregnant woman? Just a fair question.

You know it reminds me back in the '90s, we had this public hearing in Congress and every one of the tobacco CEOs sat in line and went right down the line and said there is absolutely no connection between smoking and cancer. One by one they said that. This was back in the '90s when we all knew people were dying of cancer because of smoking and still they said this is absolutely not the case. They lied through their teeth and now we are at sort of the beginning again. Way back, well before I was ever even thought of, they had ads. Doctor recommended, Camel. Doctor recommended, Marlboro. Pregnant women during World War II were told that they should smoke because it might calm their nerves. You know back then if someone had said it's probably not good for you, you know it might cause cancer, they might have been laughed out of the room.

The good Representative from Sanford, Representative Boland, has taken a lot of heat for saying those things on an issue that is probably ahead of its time. But what if 20 years from now, we have the shiny shoe brigade in front of Congress saying there is absolutely no connection between cell phones and cancer, despite the data that continues to pile up? Despite the fact that the WHO came out just this week and said that they actually might have some concerns?

One of the interesting things about the shiny shoe lobbyist that came was that, over and over and over again, he kept saying there is no credible organization that has come out and said that they had concerns. The NIH has not come out, the WHO has not come out, and on and on and on he went. All these organizations had not come out, but this week the WHO did come out. While they did not say that there is a definitive answer on this, they did express concern. So everything that man said as he sat there in his lovely beautiful Italian suit and his shiny, shiny shoes that he was paid to sit here to talk about, everything he said was upended this week when the WHO did come out and said they too had concerns.

So the other question harkens back to Shakespeare.

"Methinks thou dost protest too much." The lobbyists have been fighting so hard on this issue. If you could have seen it, it was right out of Perry Mason. The questions went and the answers went and the questions went, and then there was a question back. "I challenge the premise, your honor." It was right out of a crime drama. So why are they fighting so hard on this if there isn't some shred of truth? What about the gentleman that came to the committee with a cut right here, right here an indentation where part of his brain had been removed because it was cancerous? Is it really so much to ask that the very "notifications" or dare I say safety warnings, that the very warnings that are written inside, buried into the book that comes with every cell phone or most cell phones, is it that big of a request that we mention on the outside of that box that there might be a warning label or a notification inside?

The shiny shoe brigade would have you believe there is nothing wrong, but if there is nothing wrong then why was he challenging every question with another question? Why was he refusing to answer the questions that were asked? Why was he obfuscating? And why, Ladies and Gentlemen of the House, is it so specific in the manuals that you must keep the phone .98 inches away from your ear? Not an inch, but .98.

I leave you with another question which is do you know how far apart your head is from your ear and do you really think you can measure .98 inches and do you really trust that 20 years from now, do you really want to make sure that that industry is able to look at you or your kid or your family member or your neighbor or your friend and say, sorry, it was in the manual, you should have known? All we need to do here, Ladies and Gentlemen, is to make sure that people know that the warning label inside the manual is actually there and I don't think that's too much to ask of a company, of many companies that are already publishing notification warnings about the .98 inches and recommending that cell phones should not be held too close to the abdomen of a pregnant woman. Thank you, Mr. Speaker. Thank you.

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

Representative **DION**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'll take the microphone and I'll be brief. I'll add my silence to the speaker other than to say this: I voted in the majority and then I decided, based on evidence that came to me late in the process, that the warning or language that would least alert the consumer to the issue should be placed on the package. I did not come to that decision easily, but I think there was evidence there that allows me to, in good conscience, make this decision today. Thank you.

Representative CELLI of Brewer **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 South Berwick, Representative Beavers.

Representative **BEAVERS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am on the Energy Committee and as a reluctant and former chemist, I went into this thinking that I probably might not vote for this. But as the body of evidence, to me, was unfolded and there was plenty on both sides, but for me, even before WHO came out, the scales tipped on the side of caution which is why I voted for it. Then on top of that, the compelling story of the young man who has suffered from brain cancer as a result of continuously using his cell phone for quite a few years, and those notices in the books that come with your cell phone, I concluded that I had to support this, which means that I don't support the current motion. Thank you.

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

Representative **KUMIEGA**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in opposition to the motion on the floor. A couple months ago you may recall I had a guest in the House, a young man suffering from a brain tumor, and I had no indication that that was caused by cell phone usage. However, if we can take a relatively simple action and prevent one person from getting brain cancer in the future, we should do it. Thank you, Mr. Speaker.

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. There are many points that have been raised on this issue. It is a complex issue including consumer information, risk benefit tradeoffs, industry behavior, legal liability, loss protection, and lobbyists versus citizens, and we have heard some of all of that. I would like to discuss with you for a few minutes the nature of science and what science can do and what science cannot do, because part of our thinking on this issue has to do with the evidence or the lack of evidence or the interpretation of the evidence that is in the technical literature.

Science attempts to provide a mechanism for understanding reality and the nature of how things work, and, in so doing, it cannot rely simply on an expert. That is to say there is not one person who knows the answer to whom where they can arbitrate the differences between different scientists' studies. Science by its nature is pushing at the edges of our understanding and there is no one who has that complete understanding. Also, questions of science cannot be resolved by court procedures of bringing citizens together to hear one side versus another. A court procedure is very useful for determining lots of things and we use it often, but it doesn't help to provide for resolving scientific conflicts. Then lastly, we cannot take a vote. A vote of scientists or a vote of citizens, either way, does not determine what the nature of reality is, and so the technical literature is filled with thousands and thousands of reports on this topic, the vast majority, of course, show no biological harm from radio wave exposure.

But as I said, a vote doesn't decide the issue, so I would like to explain how scientists work in order to try to resolve issues of science. It is through a method of peer collaboration involving the publication of their studies and results, and it is done by publishing in peer reviewed journals and having other scientists look at the work that has been done and provide criticism of it and questions and commentary about it. The peer review process, like all of our societal decision-making processes, is not perfect, but it does tend toward improving upon the nature of our understanding. It doesn't mean that some good scientific papers are rejected and some that are not so good are published, but it at least tends in a direction that can be helpful.

Now there are only a few of us in this body who have published peer reviewed papers or who have reviewed papers for publication in peer reviewed journals, and that is the reason why I stand before you now to explain the process just a little bit, because I am trying to indicate that science itself does not come to a conclusion. Science cannot prove something safe, it cannot prove something unsafe. Science is a method of communicating evidence and reasons for that.

Now in spite of science's shortcomings, the methods of science do have some powerful and important beneficial

characteristics. One of those is a means to provide a perspective, a perspective on the things that we don't know about it. If there is one thing that is certain it is that everything is uncertain. We don't have, we're not able to come to a hard and fast conclusion, especially on matters of safety, which themselves are opinions about the acceptability of the risks. Science has even a hard time coming to conclusions on the nature of the risks, the measurements of the probability that a hazard will cause harm.

But let me turn to the matter of cell phones more directly. Radio waves have been in use for more than 100 years and microwaves for more than 70 years and high frequency microwaves is a sort that are used in cell phones for more than 50 years. Now it is important to know that medical uses of electromagnetic radiation have been studied for at least 70 years and in medical procedures of diathermy, of intentionally exposing the body to high levels of microwave radiation for the purpose of internally heating parts of the body, is a medical procedure that has been used, it started about 70 years ago and is in use today.

It is true that there are about five billion cell phones in use worldwide now and that is unprecedented. It is also true that cancers often take considerable time from the exposure of something that is carcinogenic to being observed. At the same time it is a speculative harm that we are talking about and that doesn't necessarily argue against taking precaution against a speculative harm. But let us again turn to science to get some perspective on the issue.

There is a very definite harm to cell phones, the way we use them. Statistically more people are killed by using cell phones while they are driving than if they were not using cell phones while they drive. For example, we know that cell phone use causes harm. We can get a good statistical measure of how many people lose their lives for using cell phones and, then again, we might get into the risk/benefit question of, well, the person using the cell phone, it was obviously a benefit to them doing so or they wouldn't have been doing it.

But I think it is important to try to recognize that reading a news report of a scientific paper or even reading one or two scientific papers, especially if you are not accustomed to knowing what to look for in being critical of that paper in a scientific way, makes it very difficult to assess the quality of the work that is being discussed. I would be happy to discuss this matter of the interaction of science, how it works and questions that we have to deal with in this body that go well beyond science at further length as people may wish to discuss it, but I won't take more of the time now. Thank you, Mr. Speaker.

The SPEAKER: The Chair would remind Members that I have been extremely lenient. The pending question is the Acceptance of the Majority Ought Not to Pass Report. The 12 people who are queued up to speak and anyone else who sees the need to speak, if you could make it brief and confine your remarks to the bill and the motion before us.

The Chair recognizes the Representative from Saco, Representative Pilon.

Representative **PILON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a consumer information issue. How many of us today have tried to buy an appliance? Now we're not talking about cell phones here, we're just talking about consumer information.

My wife and I bought a refrigerator the other day. In the manual, just in the manual itself, it had information about the first page: Warning, safety precautions, danger, risk of child entrapment, warning, how to connect electricity. Second page: Caution. Next page: Caution. Throughout this manual, just for a refrigerator, it was just every page was caution, warning, safety instructions. Throughout the manual printed warnings: Danger, caution, child entrapment. This was only for a refrigerator. All we are asking here is for the industry to print safety precautions in their owner's manual.

Now we know so far that refrigerators don't cause cancer, so far we know that. Is it too much to ask the cell phone industry to add the same precautionary information in their manuals? 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. A large percent of you have heard me speak on this subject before. This bill came before the Health and Human Services Committee last session. We had quite a time with it and it was a very interesting conversation. I recall being the one who received the longest floor speech of the session award for this bill, and I am happy to report to you that that's not going to happen again because others have beat me to it.

I am rising in opposition to the pending motion. This is a subject that is worthy of some level of conversation. There is a fair amount of doubt. I had hoped that the cellular industry would step up and educate consumers by themselves. It is in all of their cellular phone manuals, you have heard all about that, there is something there, but it seems like an obvious thing. We're not saying not to use a cell phone. We're saying just be aware and, by the way, if I was a cell phone company, I would try to sell you some fancy gadgets to get the thing away from your ear. And that's all. If you get the phone even every certain inch away, the effects of the possible radiation are just greatly diminished. So it is a very simple solution. I had hoped that the cellular industry, we gave them the message pretty darn clear last year that they needed to be responsible.

I enjoyed hearing Representative Pilon's description of the appliances, of a refrigerator, and I think that is pretty interesting when you do think about it. I guess, folks, that I ask that you keep your mind open but also tell your family, tell your kids, educate people that there is something there. And if you have a choice of using it hands-free, which people are encouraged to do in cars and in other places, although I do think it's just funny everybody walks around talking to themselves. But it is a convenience factor that is also a good health thing to do.

Now what do we do as far as government relations and regulations and all of that? I hate the fact that we even have to do this, have a bill here, and sort of sheepishly and somewhat reluctantly I kind of come to the table. Education really is, I think, the answer. There is a huge tipping point that is going on across the country. This subject matter has come a long way in the last year or so since we heard this bill. Representative Boland has been a tireless advocate for this and I thank her for doing that. Now we just have to figure out what is the right thing and the role for the State Legislature to have in this conversation. I am going to propose or suggest to us that we should think about it as education. Probably not labels, but some ways that we could get the cellular industries to kind of come along, maybe prod them along. So anyway I will be interested to see how the conversation goes here and simply just ask for your consideration to oppose the pending motion and see if we can unravel this onion a little further. Thank you.

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 just wanted to rise again to remind you that the science discussion is interesting, but that is not what is before us here today really.

It is just to ask for folks to be more aware of what is already produced by the industry.

But as long as we are talking about the science, I wanted to just say that last year when this came up, the director of the CDC testified before the Health and Human Services Committee and presented a folder for folks to refer to and she read a sentence in there. "The current balance of evidence does not show health problems caused by using mobile phones." This was written in 2005, but that was where we were last year. But the sentence following that said "However, the research does show that using mobile phones affects brain activity."

It goes on to say that the expert group has therefore recommended that, in line with the precautionary approach, the widespread use of mobile phones by children under the age 16 should be discouraged for nonessential calls. In the light of this recommendation the medical office strongly advises that where children and young people, where they do use mobile phones, they should be encouraged to use mobile phones for essential purposes only and keep all calls short because talking for long periods prolongs exposure and should be discouraged. So that is from a medical society, and, of course, we have heard about the World Health Organization.

One other thing I would like to point out though, that the way cell phones are advertised, the young people are a target market. They are advertised with the phones held right up close to their heads. So the message that is getting out visually is not what is in the print and that is why it is important to remind them of the print. Somebody told me, well, jeepers, plastic bags have warnings on them, and that sounds silly. But plastic bags aren't advertised as being held over your head, as the warning says not to do. So I just wanted to mention those things.

Also, an Italian court did not accept the industry arguments when a court case came and they left the business liable when a couple of workers who were required to use cell phones got brain cancers. So there is more to it. Then when you really see it's not just really about health, it's about, when you look at the manual, not using them in areas where there is maybe a gas leak or explosive situations because it causes a gas blowup. There is more to it than just some of the science we have talked about. But our job, I would say, is just to allow the public to protect themselves should they wish to. Thank you.

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. Just a few things. Number one, there still is not that telltale scientific data on this, but there is a lot of pre data that shows this could be a problem. It takes a generation to determine these things, that's why this telltale data has not arrived yet. But think about it. When did we start using our cell phones? I know for me it was 16 years ago, when they got them small enough to carry around and you didn't have to carry that payphone around with you on your hip. But nowadays we look and we see children age five, they have a cell phone. Their parents give it to them for security reasons, whatever, but that child is using that cell phone all the time.

So what is it that we want to do here? All we're trying to do here is – and that is why I'm for this. I voted against this two years ago or last year. This I am going to vote against, the current presentation, because all we're asking is the information is already in the owner's manual. We're saying, okay, get a sticker and put it on the box or somewhere that says please read that. That's it, that's all we're asking, and that's not going to be expensive, folks. I bought stickers for my campaign. I think I paid $25 and still have 6,000 left at home, and they are big stickers. Anybody wants stickers, Vote Celli, let me know. But that's all we're trying to do so please follow my light and vote red on the current bill before us.

The SPEAKER: The Chair recognizes the Representative from Pittsfield, Representative Fitts.

Representative **FITTS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. First in the nation. Once again, that is what we are proposing if we defeat the present motion. I would suggest that on speculation alone, this doesn't rise to that occasion. I would compare this, if you look at the World Health Organization list of potential cancer causing items, coffee. Is there a label on your coffee can? Caution, this might cause a problem for you. There are many people who think eating meat will cause a problem for you. Are we going to label our meat packages? I mean this goes on and on and on, as did this debate.

Last session this bill came through, pretty much in its identical form, and the Health and Human Services Committee brought forward an amended version of the bill which was enacted, that asked that the CDC start collecting the information and putting it on their website, and they are doing that today. That information is available to anybody who wishes to search for it.

The reality of federal law is quite interesting though because, in federal law, there is preemption. The Communications Act expressly provides that no state or local government shall have authority to regulate the entry or rates charged by wireless service providers. The prohibition on state imposed conditions on entry to the wireless market extend to point of sale warning and labeling requirements predicated on concerns related to technical standards of equipment. I would suggest that this does fall under preemption.

But bigger than that, we're going to start sticking labels on boxes telling people where to look in manuals now? I don't know where it ends. I would suggest that allow the federal government to continue this study, allow the World Health Organization to develop more data before we start sticking labels on boxes in the State of Maine and requiring companies, when they do business here, to have special conditions, that we think about that as a Legislature. Thank you, Mr. Speaker.

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. 101

YEA - Beaulieu, Bennett, Bickford, Black, Burns DR, Cebra, Chapman, Chase, Clark T, Cornell du Houx, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Dill J, Dow, Edgecomb, Fitts, Fitzpatrick, Flood, Fossel, Fredette, Gifford, Gillway, Graham, Guerin, Hamper, Hanley, Harmon, Harvell, Johnson D, Johnson P, Keschl, Knapp, Libby, Long, Longstaff, Luchini, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Nelson, Newendyke, O'Connor, Parker, Parry, Peterson, Plummer, Prescott, Richardson D, Richardson W, Rochelo, Rosen, Sanborn, Sanderson, Sarty, Sirocki, Tilton, Timberlake, Turner, Volk, Waterhouse, Weaver, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

NAY - Ayotte, Beaudoin, Beavers, Beck, Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Burns DC, Cain, Casavant, Celli, Chipman, Clark H, Clarke, Cotta, Dion, Driscoll, Duchesne, Dunphy, Eberle, Espling, Eves, Flemings, Foster, Gilbert, Goode, Harlow, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Kaenrath, Kent, Knight, Kruger, Kumiega, Lajoie, Lovejoy, MacDonald, Maker, Malaby, Maloney, Martin, Mazurek, McCabe, Morrison, O'Brien, Olsen, Peoples, Picchiotti, Pilon, Rankin, Rioux, Rotundo, Russell, Shaw, Stevens, Strang Burgess, Stuckey, Theriault, Treat, Tuttle, Valentino,

Wagner R, Webster, Welsh.

ABSENT - Carey, Davis, Priest, Wintle.

Yes, 73; No, 73; Absent, 4; Vacant, 1; Excused, 0.

73 having voted in the affirmative and 73 voted in the negative, 1 vacancy with 4 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**.

Representative FITTS of Pittsfield moved that the House **RECONSIDER** its action whereby the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

Representative MARTIN of Eagle Lake **REQUESTED** a roll call on the motion to **RECONSIDER** whereby the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

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 Reconsider whereby the Minority Ought to Pass as Amended Report was Accepted. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 102

YEA - Beaulieu, Bennett, Bickford, Black, Burns DC, Burns DR, Cebra, Chapman, Chase, Clark T, Cotta, Crafts, Cray, Crockett, Curtis, Damon, Dill J, Dow, Edgecomb, Fitts, Fitzpatrick, Fossel, Foster, Gifford, Gillway, Graham, Guerin, Hamper, Harmon, Harvell, Johnson D, Johnson P, Keschl, Knapp, Libby, Long, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Nelson, O'Connor, Parker, Parry, Peterson, Picchiotti, Plummer, Prescott, Richardson D, Richardson W, Rioux, Rochelo, Rosen, Sanborn, Sanderson, Sarty, Sirocki, Tilton, Timberlake, Turner, Waterhouse, Weaver, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

NAY - Ayotte, Beaudoin, Beavers, Beck, Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Casavant, Celli, Chipman, Clark H, Clarke, Cornell du Houx, Dion, Driscoll, Duchesne, Dunphy, Eberle, Espling, Eves, Flemings, Flood, Fredette, Gilbert, Goode, Hanley, Harlow, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Kaenrath, Kent, Knight, Kruger, Kumiega, Lajoie, Longstaff, Lovejoy, Luchini, MacDonald, Maker, Malaby, Maloney, Martin, Mazurek, McCabe, Morrison, Newendyke, O'Brien, Olsen, Peoples, Pilon, Rankin, Rotundo, Russell, Shaw, Stevens, Strang Burgess, Stuckey, Theriault, Treat, Tuttle, Valentino, Volk, Wagner R, Webster, Welsh.

ABSENT - Carey, Cushing, Davis, Priest, 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 motion to **RECONSIDER** whereby the Minority **Ought to Pass as Amended** Report was **ACCEPTED FAILED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-404)** 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-404)** and sent for concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Strengthen the Laws on Methicillin-resistant Staphylococcus Aureus and To Improve Health Care"

(H.P. 220) (L.D. 267)

Signed:

Senators:

McCORMICK of Kennebec
CRAVEN of Androscoggin
FARNHAM of Penobscot

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-415)** on same Bill.

Signed:

Representative:

STUCKEY of Portland

READ.

On motion of Representative STRANG BURGESS of Cumberland, 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-417)** on Resolve, To Study Allocations of the Fund for a Healthy Maine

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

Signed:

Senators:

CRAVEN of Androscoggin
FARNHAM of Penobscot

Representatives:

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

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

Signed:

Senator:

McCORMICK of Kennebec

READ.

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

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-417)** 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-417)** and sent for concurrence.

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Prohibit Enforcement by a Federal or State Official of the Federal Patient Protection and Affordable Care Act"

(H.P. 924) (L.D. 1233)

Signed:
Senators:
WHITTEMORE of Somerset
BRANNIGAN of Cumberland
SNOWE-MELLO of Androscoggin

Representatives:
RICHARDSON of Warren
BEAUDOIN of Biddeford
BECK of Waterville
FITZPATRICK of Houlton
GOODE of Bangor
MORISSETTE of Winslow
MORRISON of South Portland
PICCHIOTTI of Fairfield
TREAT of Hallowell

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-432)** on same Bill.

Signed:
Representative:
McKANE of Newcastle

READ.

Representative RICHARDSON of Warren moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative CAIN of Orono **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. 103

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Beliveau, Berry, Black, Blodgett, Bolduc, Briggs, Bryant, Cain, Casavant, Chapman, Chase, Chipman, Clark H, Clark T, Clarke, Cornell du Houx, Cotta, Crafts, Crockett, Curtis, Damon, Dill J, Dion, Dow, Driscoll, Duchesne, Dunphy, Eberle, Edgecomb, Espling, Eves, Fitts, Fitzpatrick, Flemings, Flood, Fossel, Foster, Fredette, Gilbert, Gillway, Goode, Graham, Guerin, Hamper, Hanley, Harlow, Harvell, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Johnson D, Kaenrath, Kent, Keschl, Knapp, Kruger, Kumiega, Lajoie, Long, Longstaff, Lovejoy, Luchini, MacDonald, Maker, Malaby, Maloney, Martin, Mazurek, McCabe, McFadden, Morissette, Morrison, Moulton, Nass, Nelson, O'Brien, Olsen, Parker, Parry, Peoples, Peterson, Picchiotti, Pilon, Plummer, Prescott, Rankin, Richardson D, Richardson W, Rioux, Rochelo, Rosen, Rotundo, Russell, Sanborn, Sarty, Shaw, Stevens, Strang Burgess, Stuckey, Theriault, Tilton, Timberlake, Treat, Turner, Tuttle, Valentino, Wagner R, Weaver, Webster, Welsh, Willette M, Wood, Mr. Speaker.

NAY - Bennett, Bickford, Burns DC, Burns DR, Cebra, Cray, Gifford, Harmon, Johnson P, Knight, Libby, McClellan, McKane, Newendyke, O'Connor, Sanderson, Sirocki, Volk, Waterhouse, Willette A, Winsor.

ABSENT - Boland, Carey, Celli, Cushing, Davis, Priest, Wintle.

Yes, 122; No, 21; Absent, 7; Vacant, 1; Excused, 0.

122 having voted in the affirmative and 21 voted in the negative, 1 vacancy with 7 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-403)** on Bill "An Act Regarding Write-in Candidates in Municipal and City Elections"

(H.P. 629) (L.D. 832)

Signed:
Senators:
FARNHAM of Penobscot
PATRICK of Oxford

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

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

Signed:
Senator:
PLOWMAN of Penobscot

Representative MITCHELL of the Penobscot Nation - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-403)** Report.

READ.

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

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

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Amend the Laws Governing the Deadline and Conditions for Municipal Approval of a Second Racino and To Allow a Tribal Racino in Washington County"

(I.B. 2) (L.D. 1203)

Signed:
Senators:
FARNHAM of Penobscot
PATRICK of Oxford

PLOWMAN of Penobscot

Representatives:
BEAULIEU of Auburn
CAREY of Lewiston
CHIPMAN of Portland
CROCKETT of Bethel
JOHNSON of Eddington
LONGSTAFF of Waterville
RUSSELL of Portland
VALENTINO of Saco

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-400)** on same Bill.

Signed:
Representatives:
DAMON of Bangor
WILLETTE of Presque Isle

Representative MITCHELL of the Penobscot Nation - of the House - supports the Minority **Ought to Pass as Amended by Committee Amendment "A" (H-400)** Report.

READ.

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

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

SENATE PAPERS

The following Joint Resolution: (S.P. 513)

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SUPPORT A BALANCED BUDGET AMENDMENT

WE, your Memorialists, the Members of the One Hundred and Twenty-fifth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the President of the United States and the United States Congress as follows:

WHEREAS, controlling our debt and passing balanced budgets is a matter of great moral and economic significance; and

WHEREAS, since the year 2000 our national debt has more than doubled and the United States Government borrows on average $5,000,000,000 for each business day; and

WHEREAS, the national debt on January 1, 1791 was $75,000,000 and currently the national debt rises by that amount every hour; and

WHEREAS, our out-of-control debt not only endangers our standing as the leading economy in the world but was characterized as a national security threat by Secretary of State Hillary R. Clinton on September 8, 2010; and

WHEREAS, 49 of the 50 states are required by law to pass balanced budgets; and

WHEREAS, our nation's debt is being passed on to future generations, who have no say in the decision-making process; and

WHEREAS, passing our debt to the next generation is contradictory to the American principle of leaving our nation, states and local communities in better shape than we found them; now, therefore, be it

RESOLVED: That We, your Memorialists, in order to protect future generations, respectfully encourage the passage and adoption of a constitutional amendment to require a balanced budget except for times of war or national emergency or upon a two-thirds vote of both Houses of the United States Congress; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Barack H. Obama, President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

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

READ and **ADOPTED** in concurrence.

CONSENT CALENDAR
First Day

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

(S.P. 313) (L.D. 1025) Bill "An Act To Amend the Laws Governing the Sex Offender Registry" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-180)**

(S.P. 490) (L.D. 1540) Bill "An Act To Encourage Science, Technology, Engineering and Mathematics Education" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-177)**

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

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

ENACTORS
Emergency Measure

An Act To Clarify the Award of Fees in Domestic Violence Cases

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

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. 130 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Restrict Permits Available to the Holder of a Super Pack License

(H.P. 630) (L.D. 833)
(C. "A" H-345)

An Act To Include Civics in the Social Studies and History Courses Required for a High School Diploma

(H.P. 902) (L.D. 1211)
(C. "A" H-344)

An Act To Promote Transparency in the Medicaid Reimbursement Process

(H.P. 1092) (L.D. 1485)
(C. "A" H-349)

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

Resolves

Resolve, To Establish a Pilot Project for Independent Practice Dental Hygienists To Process Radiographs in Underserved Areas of the State

(H.P. 183) (L.D. 230)
(C. "A" H-319)

Resolve, Authorizing the Bureau of Unemployment Compensation To Study Establishment of a Voluntary Workplace Training Program

(H.P. 929) (L.D. 1238)
(C. "A" H-351)

Resolve, To Ensure a Strong Start for Maine's Infants and Toddlers by Extending the Reach of High-quality Home Visitation

(H.P. 1105) (L.D. 1504)
(C. "A" H-348)

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

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act Regarding Establishing a Slot Machine Facility"

(I.B. 1) (L.D. 985)

Signed:
Senators:
FARNHAM of Penobscot
PATRICK of Oxford
PLOWMAN of Penobscot

Representatives:
BEAULIEU of Auburn
CAREY of Lewiston
CHIPMAN of Portland
CROCKETT of Bethel
JOHNSON of Eddington
LONGSTAFF of Waterville
RUSSELL of Portland
VALENTINO of Saco

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-436)** on same Bill.

Signed:
Representatives:
DAMON of Bangor
WILLETTE of Presque Isle

READ.

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

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

CONSENT CALENDAR
First Day

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

(H.P. 568) (L.D. 761) Bill "An Act To Provide Rebates for the Purchase of Certain Solar and Wind Power Equipment" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-455)**

(H.P. 700) (L.D. 940) Bill "An Act To Increase Access to State Rule-making Notices" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-445)**

(H.P. 1143) (L.D. 1557) Bill "An Act To Raise the Speed Limit on Interstate 95 between the City of Old Town and the Town of Houlton" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-447)**

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.

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

(S.P. 239) (L.D. 795) Bill "An Act To Expand Net Energy Billing" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-216)**

(S.P. 297) (L.D. 951) Resolve, Establishing the Commission To Study Priorities and Timing of Judicial Proceedings in State Courts (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-213)**

(S.P. 483) (L.D. 1522) Bill "An Act To Make Technical Changes to Marine Resources Laws" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-215)**

(S.P. 488) (L.D. 1531) Bill "An Act To Amend the Maine Human Rights Act Regarding Accessible Building Standards" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-214)**

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

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

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

On motion of Representative CURTIS of Madison, the House adjourned at 4:25 p.m., until 9:00 a.m., Thursday, June 2, 2011.