

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
 SECOND REGULAR SESSION
 30th Legislative Day
 Monday, March 19, 2012

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

Prayer by the Honorable Philip A. Curtis, Madison.

National Anthem by Joelle Morris, Hallowell.

Pledge of Allegiance.

Doctor of the day, Timothy Nuce, M.D., Winthrop.

The Journal of Thursday, March 15, 2012 was read and approved.

SENATE PAPERS
Non-Concurrent Matter

Resolve, To Establish a Response Team To Facilitate the Redevelopment of Unoccupied Mills and Other Unoccupied Buildings (EMERGENCY)

(S.P. 574) (L.D. 1675)
 (C. "A" S-412)

FAILED of **FINAL PASSAGE** in the House on March 13, 2012.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-412) AS AMENDED BY SENATE AMENDMENT "A" (S-442)** thereto in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (H.C. 335)

STATE OF MAINE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES

March 14, 2012

The Honorable Kevin L. Raye

President of the Senate

The Honorable Robert W. Nutting

Speaker of the House

125th Maine Legislature

State House

Augusta, Maine 04333

Dear Mr. President and Mr. Speaker:

In accordance with 24-A M.R.S.A., §6952, the Joint Standing Committee on Health and Human Services has reviewed the appointments by the Governor of Robert Kennedy of Ellsworth, Scott M. Davis, MD of Bangor, Marcia A. Kyle of Rockport, Glenn E. Mower of Bangor, and Kevin S. Flanigan, MD of Pittsfield to the Maine Quality Forum Advisory Council.

After discussion on these appointments, the Committee proceeded to vote on the motion to approve with the following result:

YEAS	Senators	3	McCormick of Kennebec, Craven of Androscoggin, Farnham of Penobscot
	Representatives	8	Strang Burgess of Cumberland, Malaby of Hancock, O'Connor of Berwick, Peterson of Rumford, Sanborn of Gorham, Sanderson of Chelsea, Sirocki of Scarborough, Stuckey of Portland
NAYS		0	
ABSENT		2	Rep. Eves of North Berwick, Rep. Fossel of Alna

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the appointments of Robert Kennedy of Ellsworth, Scott M. Davis, MD of Bangor, Marcia A. Kyle of Rockport, Glenn E. Mower of Bangor, and Kevin S. Flanigan, MD of Pittsfield to the Maine Quality Forum Advisory Council be approved.

S/Earle L. McCormick

Senate Chair

S/Meredith N. Strang Burgess

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 336)

STATE OF MAINE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS

March 13, 2012

The Honorable Kevin L. Raye

President of the Senate

The Honorable Robert W. Nutting

Speaker of the House

125th Maine Legislature

State House

Augusta, Maine 04333

Dear Mr. President and Mr. Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Education and Cultural Affairs from the review and evaluation of the Maine Educational Loan Authority under the State Government Evaluation Act. In its review, the Committee found that the Maine Educational Loan Authority is operating within its statutory authority.

Sincerely,

S/Senator Brian D. Langley

Senate Chair

S/Representative David E. Richardson

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 341)

STATE OF MAINE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES

March 14, 2012

The Honorable Kevin L. Raye

President of the Senate

The Honorable Robert W. Nutting

Speaker of the House

125th Maine Legislature

State House

Augusta, Maine 04333

Re: State Government Evaluation Act Review

Dear Mr. President and Mr. Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Health and Human Services from the review and evaluation of the Developmental Disabilities Council under the State Government Evaluation Act. In its review the committee found that the Developmental Disabilities Council is operating within its statutory authority and is meeting its statutory mandate.

Sincerely,

S/Senator Earle L. McCormick

Senate Chair

S/Representative Meredith N. Strang Burgess
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 337)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

March 13, 2012

The Honorable Kevin L. Raye
President of the Senate
The Honorable Robert W. Nutting
Speaker of the House
125th Maine Legislature
State House
Augusta, Maine 04333

Dear Mr. President and Mr. Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Education and Cultural Affairs from the review and evaluation of the Maine Health and Higher Educational Facilities Authority under the State Government Evaluation Act. In its review, the Committee found that the Maine Health and Higher Educational Facilities Authority is operating within its statutory authority.

Sincerely,

S/Senator Brian D. Langley
Senate Chair

S/Representative David E. Richardson
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 338)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

March 14, 2012

The Honorable Kevin L. Raye
President of the Senate
The Honorable Robert W. Nutting
Speaker of the House
125th Maine Legislature
State House
Augusta, Maine 04333

Dear Mr. President and Mr. Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on State and Local Government from the review and evaluation of the Department of Administrative and Financial Services under the State Government Evaluation Act. In its review, the Committee found that the Department of Administrative and Financial Services is operating within its statutory authority.

Sincerely,

S/Senator Douglas A. Thomas
Senate Chair

S/Representative H. David Cotta
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 339)

STATE OF MAINE

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

March 19, 2012

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

Dear Speaker Nutting:

Pursuant to Joint Rule 310, the following Joint Standing Committees have voted unanimously to report the following bills out "Ought Not to Pass:"

Criminal Justice and Public Safety

L.D. 1678 An Act To Amend the Laws Governing Stalking and Domestic Violence

L.D. 1704 An Act To Amend the Maine Bail Code To Protect Victims of Domestic Violence

L.D. 1827 An Act To Amend the Laws Governing Prosecution of Individuals Possessing a Controlled Substance under Certain Circumstances

Education and Cultural Affairs

L.D. 98 Resolve, Directing the Commissioner of Education To Adopt a Policy Regarding Management of Head Injuries in Youth Sports (EMERGENCY)

Health and Human Services

L.D. 1811 Resolve, Directing the Department of Health and Human Services To Review Reimbursement for Prescription Drugs under the MaineCare Program

L.D. 1829 An Act To Require Photographic Identification for Prescriptions for Certain Controlled Substances

Judiciary

L.D. 651 An Act To Improve Tribal-State Relations
The sponsors and cosponsors have been notified of the Committee's action.

Sincerely,

S/Heather J.R. Priest
Clerk of House

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 340)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

March 19, 2012

The Honorable Heather J.R. Priest
Clerk of the House
2 State House Station
Augusta, Maine 04333

Dear Clerk Priest:

Please be advised that pursuant to his authority, Governor Paul R. LePage has nominated the following:

On March 14, 2012

James W. Gorman, Jr. of Freeport and
William J. Vail of Saco for appointment to the Land for Maine's Future Board.

Pursuant to Title 5, MRSA §6204, these appointments are contingent on the Maine Senate confirmation after review by the

Joint Standing Committee on Agriculture, Conservation and Forestry.

The Honorable Donald G. Marean of Hollis for reappointment to the Land for Maine's Future Board.

Pursuant to Title 5, MRSA §6204, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Agriculture, Conservation and Forestry.

Durward L. Humphrey of Benedicta and

James R. May of Mapleton for appointment to the Maine Land Use Regulation Commission.

Pursuant to Title 12, MRSA §683, these appointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Agriculture, Conservation and Forestry.

On March 15, 2012

Rollie Heckethorn of Auburn for appointment to the Maine Rural Development Authority.

Pursuant to Title 5, MRSA §13120-A, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Miles Williams of Caribou for appointment to the Loring Development Authority.

Pursuant to Title 5, MRSA §13080-B, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Thomas Clowes of Stockholm and

Richard Ezzy of Caribou for reappointment to the Loring Development Authority.

Pursuant to Title 5, MRSA §13080-B, these reappointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,

S/Robert W. Nutting

Speaker of the House

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Pursuant to Statute

Department of Professional and Financial Regulation

Representative RICHARDSON for the **Department of Professional and Financial Regulation** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 850: Health Plan Accountability, a Major Substantive Rule of the Department of Professional and Financial Regulation (EMERGENCY)

(H.P. 1396) (L.D. 1893)

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

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

Sent for concurrence.

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

ORDERS

On motion of Representative CEBRA of Naples, the following Joint Resolution: (H.P. 1397) (Cosponsored by President RAYE of Washington and Representatives: AYOTTE of Caswell, BENNETT of Kennebunk, BURNS of Whiting, CHASE of Wells, CRAFTS of Lisbon, CURTIS of Madison, CUSHING of Hampden, DAVIS of Sangerville, DUNPHY of Embden, EDGECOMB of Caribou, ESPLING of New Gloucester, FITTS of Pittsfield, FITZPATRICK of Houlton, FOSSEL of Alna, GIFFORD of Lincoln, GILLWAY of Searsport, HAMPER of Oxford, HARMON of Palermo, HARVELL of Farmington, JOHNSON of Greenville, KESCHL of Belgrade, LIBBY of Waterboro, LONG of Sherman, McCLELLAN of Raymond, McKANE of Newcastle, MORISSETTE of Winslow, NEWENDYKE of Litchfield, Speaker NUTTING of Oakland, O'CONNOR of Berwick, OLSEN of Phippsburg, PARKER of Veazie, PARRY of Arundel, PICCHIOTTI of Fairfield, PLUMMER of Windham, RIOUX of Winterport, SANDERSON of Chelsea, SARTY of Denmark, SIROCKI of Scarborough, WALLACE of Dexter, WILLETTE of Mapleton, WILLETTE of Presque Isle, WINSOR of Norway, WOOD of Sabattus, Senators: COLLINS of York, COURTNEY of York, HASTINGS of Oxford, MASON of Androscoggin, PLOWMAN of Penobscot, SNOWE-MELLO of Androscoggin, THIBODEAU of Waldo, THOMAS of Somerset) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO REVIEW PORTIONS OF THE NATIONAL DEFENSE AUTHORIZATION ACT

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

WHEREAS, the United States Congress passed the National Defense Authorization Act for fiscal year 2012 on December 15, 2011, and the President of the United States signed the Act into law on December 31, 2011; and

WHEREAS, the Act directs the Armed Forces of the United States to detain any person who is captured in the course of hostilities authorized by the federal Authorization for Use of Military Force Against Terrorists and who is determined to be a member of or part of al-Qaeda or an associated force that acts in coordination with or pursuant to the direction of al-Qaeda and to have participated in the course of planning or carrying out an attack against the United States or its coalition partners; and

WHEREAS, the disagreements and uncertainty in interpretation of the law has raised significant concerns about due process for United States citizens; and

WHEREAS, the prospect of the indefinite detention of United States citizens violates, without due process of law, basic rights enshrined in the United States Constitution, such as the right to seek a writ of habeas corpus, the right to petition for a redress of grievances, the right to be free from unreasonable searches and seizures and the right to counsel; and

WHEREAS, it is crucial to national security that funding contained in the National Defense Authorization Act for the Department of Defense and members of the military and their dependents remain intact; and

WHEREAS, the members of this Legislature have taken an oath to uphold the United States Constitution and the Constitution of Maine; now, therefore, be it

RESOLVED: That We, your Memorialists, most respectfully urge and request that the President of the United States and the United States Congress amend the National Defense Authorization Act to clarify that any provisions contained within will not deprive United States citizens of the rights of due process; 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.

READ and ADOPTED.

Sent for concurrence.

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Statute

Representative EDGECOMB for the **Joint Standing Committee on Agriculture, Conservation and Forestry** on Bill "An Act To Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry under the State Government Evaluation Act"

(H.P. 1395) (L.D. 1892)

Reporting **Ought to Pass** pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4.

Report was **READ** and **ACCEPTED**.

The Bill was **READ ONCE**.

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

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

Refer to the Committee on State and Local Government Pursuant to Joint Order

Report of the **Joint Standing Committee on State and Local Government** on Bill "An Act Regarding the Commercial Sale of Deeds Records"

(S.P. 658) (L.D. 1881)

Reporting that it be **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** pursuant to Joint Order, S.P. 638.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill and accompanying papers were **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Report was **READ** and **ACCEPTED** and the Bill and accompanying papers were **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** 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. 547) (L.D. 1648) Bill "An Act To Clarify the Site Location of Development Laws Regarding Exemptions for Previously Developed Sites" Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-434)**

(S.P. 549) (L.D. 1650) Bill "An Act To Repeal the Automatic Suspension of Child Support Obligations" (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-435)**

(H.P. 739) (L.D. 1003) Bill "An Act To Assist Maine Schools To Obtain Federal Funds for Medically Necessary Services" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-788)**

(H.P. 1260) (L.D. 1708) Bill "An Act To Prevent the Theft and Illegal Sale of Copper and Other Metals" (EMERGENCY) Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-791)**

(H.P. 1314) (L.D. 1789) Resolve, Regarding Legislative Review of Portions of Chapter 316: Long-Term Contracting and Resource Adequacy, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY) Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-790)**

(H.P. 1317) (L.D. 1792) Resolve, Regarding Legislative Review of Portions of Chapter 421: Safety and Operation Standards for Liquefied Petroleum Gas (LPG) Distribution Systems, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY) Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-787)**

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.

ENACTORS

Emergency Measure

An Act To Improve the Department of Environmental Protection's Annual Waste Discharge License Fee System

(H.P. 1302) (L.D. 1768)

(C. "A" H-771)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 128 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Chapter 140: Public Charter Schools, a Major Substantive Rule of the Department of Education

(H.P. 1308) (L.D. 1783)

(C. "A" H-759)

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. 92 voted in favor of the same and 42 against, and accordingly the Resolve **FAILED FINAL PASSAGE** and was sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 64: Maine School Facilities Program and School Revolving Renovation Fund, a Major Substantive Rule of the Department of Education and the Maine Municipal Bond Bank

(H.P. 1313) (L.D. 1788)
(S. "A" S-436 to C. "A" H-741)

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. 123 voted in favor of the same and 5 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 378: Variance Criteria for the Excavation of Rock, Borrow, Topsoil, Clay or Silt and Performance Standards for the Storage of Petroleum Products, a Major Substantive Rule of the Department of Environmental Protection

(H.P. 1320) (L.D. 1794)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 128 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 305: Permit by Rule, a Major Substantive Rule of the Department of Environmental Protection

(H.P. 1323) (L.D. 1797)

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. 125 voted in favor of the same and 2 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Resolve Pursuant to the Constitution

Public Land

Resolve, Regarding Access to Eastern Road in Scarborough

(H.P. 1340) (L.D. 1817)
(C. "A" H-770)

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

Representative DAVIS of Sangerville **REQUESTED** a roll call on **FINAL PASSAGE**.

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

On further motion of the same Representative, **TABLED** pending **FINAL PASSAGE** and later today assigned. (Roll Call Ordered)

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

Acts

An Act To Clarify and Streamline Foreclosure Proceedings

(H.P. 128) (L.D. 145)
(S. "A" S-426 to C. "B" H-721)

An Act To Reduce Deer Predation

(H.P. 298) (L.D. 372)
(C. "C" H-769)

An Act To Stabilize Solid Waste Management Funding

(H.P. 937) (L.D. 1278)
(C. "A" H-776)

An Act To Make Certain Juvenile Case Records Confidential

(H.P. 1203) (L.D. 1597)
(C. "A" H-779)

An Act To Clarify the Court's Authority To Grant Credit Given for Jail Time toward Payment of Fines

(H.P. 1204) (L.D. 1598)
(C. "A" H-760)

An Act To Address Research and Teaching in Maine's Institutions of Higher Education by Amending the Laws Governing the Purchase of Goods and Services by the State Involving Institutions of Higher Education

(S.P. 541) (L.D. 1631)
(C. "A" S-428)

An Act To Amend the Law Governing Abatements of Property Taxes for Infirmary or Poverty and the Administration of the Circuitbreaker Program

(H.P. 1245) (L.D. 1693)
(C. "A" H-754)

An Act To Amend the Motor Vehicle Laws

(H.P. 1262) (L.D. 1710)
(C. "A" H-763)

An Act To Amend Education Laws

(H.P. 1284) (L.D. 1742)
(C. "A" H-757)

An Act To Require Carbon Monoxide Detectors in Additional Residential Occupancies

(H.P. 1286) (L.D. 1744)
(C. "A" H-761)

An Act Concerning Technical Changes to the Tax Laws

(H.P. 1293) (L.D. 1752)
(C. "A" H-767)

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 Create a License Plate To Recognize the 2014 World Acadian Congress

(H.P. 1220) (L.D. 1611)
(S. "A" S-437 to C. "A" H-742)

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

An Act Regarding the Matching Funds Provisions of the Maine Clean Election Act

(S.P. 612) (L.D. 1774)
(H. "C" H-780)

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

On motion of Representative CAREY of Lewiston, was **SET ASIDE**.

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

Representative **CAREY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, 10-18 is the final vote that we will have unless we do the right thing and vote Ought Not to Pass on this bill, the final vote we'll have on a bill that will significantly harm the Clean Election system. As you know, this will remove at least a million dollars out of the matching funds program, an amount of money that the people saw was important to make this a sufficient and ample opportunity for any of our neighbors who want to run against us to serve here. Mr. Speaker, I ask for a roll call and ask the members of the House to vote with me in insisting that this bill continue to have a solution that the voters of Maine expect. Thank you, Mr. Speaker.

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

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

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a bill that on one hand does nothing. It strips language that is already ineffective, thanks to the Supreme Court ruling. On the other hand, it guts a system that the people of Maine put in place many years ago. It guts a system that works. It removes a million dollars which is interesting because if you look at the budget report, it actually says there is a savings of \$2.5 million. I'm not quite sure where the rest of the \$1.5 million comes from. And this is the last opportunity to do the right thing. And while we all may philosophically disagree on whether public financing is something that we want to see, the people of Maine have consistently supported this program. It's easy to look back and say, oh well, this was voted on many years ago.

The **SPEAKER**: Will the Representative defer? The House is in order. The Representative may proceed.

Representative **RUSSELL**: Thank you, Mr. Speaker. We may be able to look back and wonder, well, do they really feel that way? Well, we're out collecting Clean Elections checks, those of us who are running clean this year, and people are continually writing us checks every two years, \$5. So if they don't support the program, why do they continue writing \$5 checks? If they don't support the program, why do they continue to check off on the tax returns every year that they want to see this program move forward? Why, because I would argue that the people of Maine genuinely support this program, and, yes, you can go back and you can say we saved it, that's great spin, but let's be honest. We all know this is about gutting the program. Early on this year, some said "Well, maybe this is just going to be a negotiation tool for the budget." I said, "No, I actually think that the majority party wants to eliminate the Maine Clean Election Act." I don't think this is a negotiation tool whatsoever. I think, just like many others believe, that this is part of a strategy to make sure that we're able to keep ourselves in power. Those of us who have access to capital, those of us who can call on lobbyists and corporate interests and special interests, those of us who are already in power have the ability to raise money. We are at a competitive advantage over anyone else who would like to challenge us, and that's the brilliance of the Maine Clean Election Act. It allows people to challenge power. It allows people to run for office.

This was brought to us by the people. Why is it impossible to pass the requalifying option, which is the option that the Clean Elections Commission, the Ethics Commission, recommended that we pass and send it to the people? Why is this bill moving forward through the Legislature without any consideration of what the people of Maine want? There are ample opportunities that

this Legislature has had over the years on things such as term limits, where we sent something back to the people for approval if we changed something that the people brought to us. But no, we chose to take the back route around this. We chose to skirt around the issue. We chose to not face our own people on this issue, and because of that, I don't think this bill should move forward. I find it unconscionable that we would do the exact opposite of what the people of Maine actually asked. So with all due respect, Mr. Speaker, I move Indefinite Postponement of LD 1774 and all its accompanying papers.

The same Representative moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

Representative **CURTIS** of Madison **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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

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

ROLL CALL NO. 254

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

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

ABSENT - Celli, Driscoll, Lovejoy, Stuckey, Tuttle, Wood.

Yes, 67; No, 77; Absent, 6; Vacant, 1; Excused, 0.

67 having voted in the affirmative and 77 voted in the negative, 1 vacancy with 6 being absent, and accordingly the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers **FAILED**.

The **SPEAKER**: A roll call having been previously 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. 255

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

Sanderson, Sarty, Sirocki, Strang Burgess, Tilton, Timberlake, Turner, Volk, Wallace, Waterhouse, Weaver, Willette A, Willette M, Winsor, Mr. Speaker.

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

ABSENT - Celli, Driscoll, Lovejoy, Stuckey, Tuttle, Wood.

Yes, 77; No, 67; Absent, 6; Vacant, 1; Excused, 0.

77 having voted in the affirmative and 67 voted in the negative, 1 vacancy with 6 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, March 15, 2012, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

SENATE DIVIDED REPORT - Majority (12) **Ought to Pass** - Minority (1) **Ought Not to Pass** - Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Allow the Change of Location of a Licensed Large Game Shooting Area" (EMERGENCY)

(S.P. 630) (L.D. 1822)

- In Senate, Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

TABLED - March 14, 2012 (Till Later Today) by Representative DAVIS of Sangerville.

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

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Eberle.

Representative **EBERLE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Some of you might be surprised to find out that Maine has these kinds of facilities, commercial, large game shooting areas, sometimes referred to as canned hunting or captive hunts. Commercial large game shooting areas are defined as enclosed areas in which large game are kept and a fee is charged to pursue and kill, or pursue and attempt to kill, large game. Under this law, large game means domesticated deer, elk, boar and bison. The state has 11 of these types of facilities. A supporter of one of the facilities in the state described it as a place where people who don't like to get their hands dirty and just want to take home a trophy can come and get that trophy. This is not an anti hunting, my position in opposition of the pending motion is not an anti hunting position, and in fact there are many hunters in the State of Maine who disapprove of this kind of facility. The state has a very clear intention with these facilities: when they go out of business, we

will not license any new ones. If one of these businesses fails, it will not be replaced. In this particular case, the business is failing and the owner wants to move it to a different location. This is moving the location of one of these existing facilities which is clearly not in the intention of the state to allow them, if they go under, not to be renewed. If the argument for this change, for allowing this location to change, is for economic development, it is a shameful approach to economic development. It does not represent and is in fact the antithesis of the true, honorable, fair heritage and tradition of hunting in the State of Maine. I ask you to vote with me and oppose the pending motion. Thank you.

The Chair ordered a division on the motion to **ACCEPT** the Majority **Ought to Pass** Report.

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

Representative **DAVIS**: Thank you, Mr. Speaker. This proposal simply moves a business from one location to another. This business has been in the business for at least 12 years. There are a number of these hunting preserves or shooting areas or whatever you want to call it throughout the state. This one moves it from the town of Ripley to the town of Brownville, probably close to 50 miles north. The one in Ripley will be closed. It will not be a shooting area again and the new location will be in Brownville. There are many reasons for this. They have been using, the lodge that they have is in Brownville and they've been hauling their hunters back and forth between Ripley and Brownville. That's true, that is an economic expense. I'm sure all of us can recognize that. There are other reasons for this. I would urge that you vote for this. Thank you.

Representative CUSHING of Hampden **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought 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 to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 256

YEA - Ayotte, Beaulieu, Beck, Beliveau, Bennett, Bickford, Black, Bryant, Burns DC, Cain, Cebra, Chase, Clark H, Clark T, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dill J, Dion, Dow, Duchesne, Dunphy, Edgecomb, Espling, Fitts, Fitzpatrick, Flood, Fossel, Foster, Fredette, Gifford, Gilbert, Gillway, Guerin, Hamper, Hanley, Harmon, Harvell, Haskell, Hayes, Hinck, Johnson D, Johnson P, Keschl, Knapp, Lajoie, Libby, Long, Maker, Malaby, Maloney, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Newendyke, O'Connor, Olsen, Parker, Parry, Peterson, Picchiotti, Plummer, Prescott, Richardson D, Richardson W, Rioux, Rosen, Sanderson, Sarty, Shaw, Sirocki, Theriault, Tilton, Timberlake, Turner, Valentino, Volk, Wagner R, Wallace, Waterhouse, Weaver, Willette A, Willette M, Winsor, Mr. Speaker.

NAY - Beaudoin, Beavers, Berry, Blodgett, Boland, Bolduc, Briggs, Carey, Casavant, Chapman, Chipman, Clarke, Eberle, Eves, Flemings, Goode, Graham, Harlow, Herbig, Hogan, Hunt, Innes Walsh, Kaenrath, Kent, Knight, Kruger, Kumiega, Longstaff, Luchini, MacDonald, Martin, Mazurek, McCabe, Monaghan-Derrig, Morrison, Nelson, O'Brien, Peoples, Pilon, Priest, Rankin, Rochelo, Rotundo, Russell, Sanborn, Stevens, Strang Burgess, Treat, Webster, Welsh.

ABSENT - Celli, Cornell du Houx, Driscoll, Lovejoy, Stuckey, Tuttle, Wood.

Yes, 93; No, 50; Absent, 7; Vacant, 1; Excused, 0.

93 having voted in the affirmative and 50 voted in the negative, 1 vacancy with 7 being absent, and accordingly the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** in concurrence.

Bill "An Act Requiring Communication of Mammographic Breast Density Information to Patients"

(H.P. 1394) (L.D. 1886)

(Committee on **INSURANCE AND FINANCIAL SERVICES** suggested)

TABLED - March 15, 2012 (Till Later Today) by Representative RICHARDSON of Warren.

PENDING - **REFERENCE**.

Subsequently, the Bill was **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**, ordered printed and sent for concurrence.

SENATE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (S-432)** - Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Increase Penalties for Certain Violations of the Campaign Reports and Financing Laws"

(S.P. 383) (L.D. 1262)

- In Senate, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

TABLED - March 15, 2012 (Till Later Today) by Representative CURTIS of Madison.

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

Representative CAREY of Lewiston **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 Lewiston, Representative Carey.

Representative CAREY: Thank you, Mr. Speaker. Mr. Speaker, fall in Maine will bring weather permitting beautiful foliage, the smell of apple picking and the disgust of negative ads that we're going to see in a number of federal and state races. These ads, you know them. They're scurrilous, they're misleading and they're divisive. They debase public service, demean the voters' intelligence and test their good will. Federal law for over a decade has tried to address this problem in federal races by requiring a Stand By Your Ad provision. You've seen it. "I'm Olympia Snowe and I approve this message." This bill, the amendment to this bill would simply extend that to state races and ensure that there is no loophole, depending on whether the ad was created by the candidate or by some kind of an outside group. It's that simple. "I'm Mike Carey and I approve this ad." If I'm going to put an ad on TV, I should stand by it. That's all this bill would require. Thank you, Mr. Speaker.

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

Representative BEAULIEU: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Presently a person that makes an expenditure to finance a communication advocating for or against the candidates through broadcasting stations, cable

television, etcetera, if authorized by a candidate of their political committee, must state that the communication has been authorized by the candidate and further must state the name and address of the person who made or financed the communication. Likewise, if the communication is not authorized by the candidate, the communication must state that it is not authorized by any candidate, and state the name and address of the person who financed or made the communication possible.

The new addition to the law states that for both authorized and unauthorized communications via digital or electronic media, radio or television, the communication piece must include an oral statement by the person paying for the communication, including their name and the fact that they paid for the communication. In addition, any statement using video as part of the media communication must include a visual display of the person in the act of making the statement concerning name and payment.

Finally, if a communication is not made by an individual, the statement must be made by a principal officer of the organization or a person with significant decision-making authority for making the expenditure. Aside from raising constitutional questions, members on the Majority Report believe that the requirement to include an oral statement directly from the person who paid for the communication rather than what is presently being asked for in existing law, appeared to be an unnecessary step. In addition, to require that any video used in digital or electronic media presentations include a visual display of the person making the statement seemed an intrusion on privacy rights, and the ability of an individual to make a contribution to a candidate or any political or policy question without having to go beyond their personal choice to become a limited partner in the exchange of political ideas, in some way requiring an individual to assume a more public face against their will, could actually force them to remain silent in the political process, thereby giving up the First Amendment rights.

Finally, when an expenditure for a communication is made by an individual, it has to be a person in the organization with significant decision-making authority, for a statement about the communication is truly asking for less information than is presently available to any interested party right now. The committee did look very long and hard in order to find common ground on this bill. It was brought to our consideration about three or four times. Unfortunately, we were unable to reach this goal. In the final analysis, we voted Ought Not to Pass. We hope you will support this recommendation in your vote today. Thank you, Mr. Speaker.

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

Representative CAREY: I thank the good chair of our committee. He is correct. This bill came before us three or four times. There was an attempt to see if we could figure out a way to reach that common ground and, as a result, the language of this bill has been worked a tremendous amount. I worked with the Attorney General's office on exactly this question of constitutionality, so I want to share what I've learned on the question of constitutionality.

First, the bill, the Bipartisan Campaign Elections Act in which the Stand By Your Ad exists in the federal level has been challenged at the Supreme Court. Section 4 of the *Citizens United* case, which we all know goes into great depth and looks at the constitutionality, exactly the argument that my good chair has just raised about whether or not that infringes on free speech rights on candidates. They found that it does not. There are two states that I've found – and I'm comfortable that there are more – that go further than where the federal has done and simply expand that to outside groups as this law does, as this

amendment would do. The two states that have done that have gone further than we do in Maine. They have required exactly the type of disclosure of donors that we do not in this bill. So let's kind of pull back and see what this will mean in Maine and we need go no further than last fall's election for the other body in which five members, five candidates, received what would have been advertisement on their behalf. We have since heard in testimony before our committee that many of them did not want that on their behalf. Those ads, in fact, misspelled, mispronounced rather, one of our colleague's names, and for another colleague, had an absolutely horrendous display that was absolutely exactly what's wrong with elections in America today. This would simply say the person who said "I think that's a good idea," that they get up to say to the people of Maine "I think this is a good idea. Vote for my guy, vote for him." That's it. I think this is a good idea. I ask you to support my motion. Thank you, Mr. Speaker.

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

Representative **VALENTINO**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today to oppose the motion on the floor. I would tend to agree with my good Chair that this may have been an unnecessary step years ago, but I think this is a very necessary step today as the gentleman from Lewiston so aptly said. Last election, over \$100,000 was spent by independent expenditures on a Senate seat. I think \$100,000 on a Senate seat certainly deserves some disclosure here in the State of Maine. This is the first time that we've used the media so much on really statewide elections. A Senator going on TV for a statewide election had really been unheard of before on that, but when you have a lot of money coming into the state I think it's necessary.

I, for one, also feel that many people, when they see an attack ad against the candidate, assume it's done by the opposing candidate. I, for one, would want to make sure that people know that if there's an ad going against my opponent, that I had nothing to do with it. I plan on running a positive campaign. I hope most of you plan on running a positive campaign, and I highly object to the independent expenditures that come in and throw money around and use this to help one candidate by tearing down another candidate. This was an unnecessary step maybe four years ago or six years ago, but this is certainly a necessary step in light of everything that has happened in the United States with the Supreme Court decision and the unbelievable amount of money that's now coming into the State of Maine. I think transparency is always good and this is something that will also help with transparency and it won't put a burden on the candidate, because I don't want people thinking that I'm running negative ads against my opponent because I have no intention of doing that. Thank you.

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

Representative **HARVELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Ma, ma, where's my pa? Blaine, Blaine, James G. Blaine, continental liar from the State of Maine. In the 1800 election, Jefferson was accused of miscegenation. In the 1824 election, John Quincy Adams was accused of taking a sex slave to Russia for the Czar. Negative campaigning is part of American politics and it has been going on for 200 plus years. Lincoln wrote under a pseudonym until it got him into a duel. Hamilton so insulted Burr that they ended up dueling. The good Representative from Lewiston misses one point: The only reason negative campaigning continues is because it works. The day that it stopped doesn't work; both parties would stop it on a dime. But to imply that the people, after

200 years of being inundated with negative ads, do not understand its process just doesn't pass muster.

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. 257

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

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

ABSENT - Celli, Cornell du Houx, Driscoll, Lovejoy, Stuckey, Tuttle, Wood.

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 Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

SENATE PAPERS

Bill "An Act To Restructure the Department of Health and Human Services"

(S.P. 664) (L.D. 1887)

Bill "An Act To Strengthen the State's Ability To Investigate and Prosecute Misuse of Public Benefits"

(S.P. 665) (L.D. 1888)

Came from the Senate, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

Bill "An Act To Streamline the Process for Minors To Obtain a Work Permit"

(S.P. 668) (L.D. 1890)

Resolve, To Amend the Pilot Project for Independent Practice Dental Hygienists To Process Radiographs in Underserved Areas of the State (EMERGENCY)

(S.P. 669) (L.D. 1891)

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

REFERRED to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

Bill "An Act To Amend the Liquor Laws of the State"

(S.P. 667) (L.D. 1889)

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

REFERRED to the Committee on **VETERANS AND LEGAL AFFAIRS** in concurrence.

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Joint Rule

Report of the **Joint Standing Committee on Health and Human Services** on Bill "An Act To Revise the Laws Regarding the Fund for a Healthy Maine"

(S.P. 661) (L.D. 1884)

Reporting **Ought to Pass** pursuant to Joint Rule 353.

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

Report was **READ** and **ACCEPTED**.

The Bill **READ ONCE**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** 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. 604) (L.D. 1756) Bill "An Act To Establish a Separate State Council for Juveniles under the Interstate Compact for Juveniles" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-446)**

(H.P. 1290) (L.D. 1749) Bill "An Act To Amend the Tax Laws" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-792)**

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

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

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

On motion of Representative BEAULIEU of Auburn, the House adjourned at 11:35 a.m., until 10:00 a.m., Tuesday, March 20, 2012.