

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
FIRST REGULAR SESSION
37th Legislative Day
Thursday, May 2, 2013

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

Prayer by Reverend Travis Bush, Southcoast Community Church, Scarborough.

National Anthem by Messalonskee High School Jazz Band, Oakland.

Pledge of Allegiance.

Doctor of the day, Robert Beekman, M.D., Ellsworth.

The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act Authorizing the Board of Environmental Protection To Modify a License for a Wind Energy Development"

(H.P. 1052) (L.D. 1471)

REFERRED to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** in the House on April 30, 2013.

Came from the Senate **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (H.P. 1069)

TOWN OF MONTVILLE

The following resolution was adopted at the Montville Annual Town Meeting on March 30, 2013:

WHEREAS, the Governor's unprecedented biennial budget proposal places towns in an untenable and uncertain fiscal position during their budget planning; and

WHEREAS, the proposed cuts in various programs will shift costs to towns, whose only major means of raising revenue is property taxes; now, therefore, be it

RESOLVED: that we, the people of the Town of Montville assembled at our annual town meeting on March 30, 2013, call upon the Legislature of the State of Maine to reject these proposals, identify less harmful cost savings, and raise revenue in an equitable fashion to avoid this tax shift onto the property owners of Montville and other Maine cities and towns.

Attested:

S/Abbie Hills

Montville Town clerk

April 29, 2013

READ and **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

Sent for concurrence.

The Following Communication: (H.C. 146)

STATE OF MAINE

CLERK'S OFFICE

2 STATE HOUSE STATION

AUGUSTA, MAINE 04333-0002

May 2, 2013

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Eves:

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

Insurance and Financial Services

L.D. 806 An Act To Allow the Purchase of Workers' Compensation Insurance Coverage for Domestic Employees from an Insurance Company That Provides Liability Insurance for Homeowners or Tenants

L.D. 1048 Resolve, To Study the Effect of Insufficient Automobile Insurance Coverage

L.D. 1049 An Act To Establish an Insurance Exchange

L.D. 1162 An Act To Ensure the Rights of Patients

Labor, Commerce, Research and Economic Development

L.D. 1217 An Act To Modify Franchise Territories for Personal Sports Mobile Dealerships

L.D. 1275 An Act To Implement the Recommendations of the Maine Economic Growth Council Regarding Prosperity

L.D. 1288 An Act Regarding Impairment of Health of a Correctional Employee Caused by Infectious Disease

L.D. 1368 An Act To Temporarily Restore Boxing Rules (EMERGENCY)

Maine's Workforce and Economic Future

L.D. 577 An Act To Clarify the Role of Career and Technical Education Region Adult Education Programs

State and Local Government

L.D. 613 Resolve, Directing the Bureau of General Services To Erect a Memorial in Memory of Those Who Died at the Former Augusta Mental Health Institute

L.D. 978 An Act To Enhance Public Participation in Legislative Committee Proceedings through the Internet

Transportation

L.D. 569 Resolve, To Study the Impact of Higher Maine Turnpike Tolls on Workers, Businesses and Economic Development (EMERGENCY)

L.D. 588 An Act To Abolish the Maine Turnpike Authority and Transfer Its Functions and Duties to the Department of Transportation

L.D. 621 An Act To Change the Tolling on the Maine Turnpike

L.D. 779 An Act To Require a Public Notification and Hearing Process before Any Toll Increase by the Maine Turnpike Authority and Establish a Formal Grievance Process

L.D. 875 Resolve, Directing the Department of Transportation and the Maine Turnpike Authority To Conduct a Study of Possible Connector Roads in Androscoggin and Franklin Counties

L.D. 917 An Act To Waive Tolls on the Maine Turnpike for Certain Disabled Maine Veterans

L.D. 957 An Act To Require Legislative Approval for the Issuance of Bonds by the Maine Turnpike Authority

L.D. 1075 An Act To Allow Motorists To Proceed through an Intersection after Stopping for a Red Light

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

Sincerely,
S/Millicent M. MacFarland
Clerk of House

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

The Following Communication: (S.C. 286)

**MAINE SENATE
126TH LEGISLATURE
OFFICE OF THE SECRETARY**

May 1, 2013
Honorable Millicent M. MacFarland
Clerk of the House
2 State House Station
Augusta, Maine 04333
Dear Clerk MacFarland:

Please be advised the Senate today insisted to its previous action whereby it accepted the Minority Ought Not to Pass Report from the Committee on Criminal Justice and Public Safety on Bill "An Act To Create a Permanent Wabanaki Law Enforcement Seat on the Board of Trustees of the Maine Criminal Justice Academy" (H.P. 115) (L.D. 140), in non-concurrence.

Best Regards,
S/Darek M. Grant
Secretary of the Senate

READ and **ORDERED PLACED ON FILE.**

The Following Communication: (S.C. 287)

**MAINE SENATE
126TH LEGISLATURE
OFFICE OF THE SECRETARY**

May 1, 2013
Honorable Millicent M. MacFarland
Clerk of the House
2 State House Station
Augusta, Maine 04333
Dear Clerk MacFarland:

Please be advised the Senate today insisted to its previous action whereby it accepted the Majority Ought Not to Pass Report from the Committee on Transportation on Resolve, "To Direct the Department of Transportation To Provide Signs on Interstate 95, on Interstate 395 and in the City of Brewer for the Underground Railroad Memorial at Chamberlain Freedom Park" (H.P. 237) (L.D. 332), in non-concurrence.

Best Regards,
S/Darek M. Grant
Secretary of the Senate

READ and **ORDERED PLACED ON FILE.**

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills were received, and upon the recommendation of the Committee on Reference of Bills were **REFERRED** to the following Committees, ordered printed and sent for concurrence:

ENVIRONMENT AND NATURAL RESOURCES

Bill "An Act To Make Minor Changes and Corrections to Statutes Administered by the Department of Environmental Protection"

(H.P. 1074) (L.D. 1497)

Sponsored by Representative WELSH of Rockport.
Cosponsored by Senator: BOYLE of Cumberland.

Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.

INSURANCE AND FINANCIAL SERVICES

Bill "An Act To Amend the Laws Pertaining to Employee Health Insurance"

(H.P. 1072) (L.D. 1495)

Sponsored by Representative POULIOT of Augusta.
Cosponsored by President ALFOND of Cumberland and Representatives: BERRY of Bowdoinham, Speaker EVES of North Berwick, McCABE of Skowhegan, VOLK of Scarborough, WILSON of Augusta, Senator: KATZ of Kennebec.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

TAXATION

Bill "An Act To Modernize and Simplify the Tax Code"

(H.P. 1073) (L.D. 1496)

Sponsored by Representative KNIGHT of Livermore Falls.
Cosponsored by Senator WOODBURY of Cumberland and Representatives: DION of Portland, GIDEON of Freeport, HARVELL of Farmington, KESCHL of Belgrade, LIBBY of Lewiston, VOLK of Scarborough, Senators: CAIN of Penobscot, GOODALL of Sagadahoc, KATZ of Kennebec.

VETERANS AND LEGAL AFFAIRS

Bill "An Act To Alter the Distribution of Maine Clean Election Act Funds"

(H.P. 1071) (L.D. 1494)

Sponsored by Representative CAREY of Lewiston.

Pursuant to Statute

Criminal Law Advisory Commission

Representative DION for the **Criminal Law Advisory Commission** pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asks leave to report that the accompanying Bill "An Act To Revise the Laws Concerning Criminal History Record Information and Intelligence and Investigative Information"

(H.P. 1070) (L.D. 1493)

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill was **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Dr. Robert Beekman, of the Maine Coast Memorial Hospital pediatrics team, in Ellsworth, who received an American Academy of Pediatrics Special Achievement Award for distinguished service and dedication to the mission and goals of the Academy. Dr. Beekman was cited for his many years of devotion to the practice of pediatrics in rural Maine and his work with the internationally renowned free genetics clinic in Bar Harbor, the Center for Human Genetics, for more than 35 years. We extend our congratulations and best wishes on his receiving this distinguished award;

(HLS 202)

Presented by Representative MALABY of Hancock. Cosponsored by Senator LANGLEY of Hancock, Representative LUCHINI of Ellsworth, Representative HUBBELL of Bar Harbor, Representative LOCKMAN of Amherst, Representative CHAPMAN of Brooksville.

On **OBJECTION** of Representative MALABY of Hancock, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **MALABY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I wanted to take a minute to acknowledge the work of Dr. Beekman. His work both as a pediatrician in our community and also his work with the Center for Human Genetics at the Jackson Lab in Bar Harbor. Dr. Beekman developed a strong sense and an interest in genetics in both defects while doing a residency in pediatrics at the Tufts Medical Center in Boston. The Center for Human Genetics and their internationally acclaimed free genetic clinics were a perfect fit for Dr. Beekman's sense that genetics were highly relevant to clinical medicine. Those genetic clinics originally focused on both defects but now help families understand inherited factors that underlie risks for cancer, diabetes, heart disease, and hundreds of disorders that show a strong disposition to recurring in some families. Dr. Beekman is clearly deserving of this award for his strong dedication to both our community as a pediatrician and his work for the Center for Human Genetics. The Legislature extends its deep and heartfelt thanks, best wishes, and congratulations to Dr. Robert Beekman. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Ellsworth, Representative Luchini.

Representative **LUCHINI**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I just wanted to quickly rise and echo the comments of the Representative from Hancock about Dr. Beekman. I've known the Beekman family for many years and they've long been invaluable and active members of our community. In fact, Dr. Beekman's son Andy was an invaluable member of the track team that I was on way back in the day, and he is a great athlete. I just quickly wanted to rise, add my thanks to Dr. Beekman for his dedication to his profession and tremendous work at Maine Coast Memorial and offer my congratulations on receiving the prestigious Special Achievement Award from the American Academy of Pediatrics. Thank you, Mr. Speaker.

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

Divided Reports

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-107)** on Bill "An Act To Revise the Animal Welfare Laws"

(H.P. 334) (L.D. 484)

Signed:

Senators:

JACKSON of Aroostook
SHERMAN of Aroostook

Representatives:

DILL of Old Town
BLACK of Wilton
CRAY of Palmyra
JONES of Freedom
MAREAN of Hollis
NOON of Sanford
SAUCIER of Presque Isle
TIMBERLAKE of Turner

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

Signed:

Representative:

HICKMAN of Winthrop

READ.

On motion of Representative DILL of Old Town, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-107)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 7, 2013.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass** on Bill "An Act To Increase Funding to Schools" (EMERGENCY)

(H.P. 459) (L.D. 667)

Signed:

Senators:

MILLETT of Cumberland
JOHNSON of Lincoln

Representatives:

MacDONALD of Boothbay
DAUGHTRY of Brunswick
HUBBELL of Bar Harbor
KORNFIELD of Bangor
MAKER of Calais
NELSON of Falmouth
POULIOT of Augusta
RANKIN of Hiram

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

Signed:

Senator:

LANGLEY of Hancock

Representatives:

JOHNSON of Greenville
McCLELLAN of Raymond

REPORTS OF COMMITTEE

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Minority **Ought Not to Pass** Report.

READ.

Representative MacDONALD of Boothbay moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

Representative FREDETTE of Newport **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: The Chair recognizes the Representative from Calais, Representative Maker.

Representative **MAKER**: Thank you, Mr. Speaker. I rise in support of LD 667. LD 667 phases out a provision that has allowed some school administrative units to raise less than the required local contribution to the total costs of the components of essential programs and services, with some limitations, and not have the state share reduced. That so-called waiver provision has been available to SAUs for the fiscal year 2011, 2012, 2013, and an extension of this provision is included in the biennial budget of 2014. The now enacted 2012-13 supplemental budget also included the provision for fiscal year 2013-14. The fundamental reason for allowing the under commitment to the required local contribution, first in the fiscal year 2010-11, was to provide equity with the fact that the state was not committing its required 55 percent share. I was on the Calais City Council at that time and regrettably supported this endeavor for that reason. We were told that it was just for that year. The bottom line is the provision has led to an equitable under commitment to the cost of education by both the state and the local funds. The under commitments are allowing less than adequate support for education in some SAUs. SAUs have been allowed to raise as little as 82 percent of the required local contribution and not jeopardize or reduce the state contribution.

Phasing out that provision beginning in the fiscal year 2014-15 budget year would provide a transition for some SAUs, especially those that have utilized that provision. The bill would preserve the authority for SAUs to raise as little as 82.10 percent of the required local contribution in 2013-14 as the law amended by the supplemental budget allows and reduce that allowance by one-third in 2014-15 and two-thirds in 2015-16. The provision would be repealed June 30, 2016 and not be applicable for 2016-17. This only affects 30 municipalities in the state with Calais as one of the communities. In discussion last year in Education, it reminded me again that this was still going on. I felt very strongly that I wanted to remove this waiver and wanted to do it yesterday. Reality is that some communities would have had a hard time to reach this goal immediately. Therefore, this is phased in, as mentioned above, removing the proportional share reduction over a three-year period. If you saw in the Calendar yesterday, Calais is in support of paying the 55 percent. You may ask why should local communities pay their share when the state and the Federal Government do not. This is very simple in my mind. They are our children and the parents pay their taxes to receive a good education for them. The students don't deserve any less. Thank you, Mr. Speaker.

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

Representative **McCLELLAN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I agree mainly with what the Representative said, my dear friend said, and if anybody else speaks for this bill, I am sure I will agree with them as well. My only angst with this bill is this body, as she just said, doesn't fund our 55 percent share and so I find it ironic that we again will

be telling other people how to do the right thing. Thank you, Mr. Speaker.

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

Representative **MacDONALD**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Just briefly, I rise in support of the Majority Ought to Pass on this bill. Just because the state does not live up to its obligations to the 55 percent funding of public education doesn't mean that we should allow the towns to do that as well. Two wrongs do not make a right. Our kids are at stake here. Our kids' education is at stake here. We're trying to move the state toward that 55 percent goal in the Education Committee. Everyday we're trying to work with Appropriations to increase that. This bill is a reasonable attempt to make sure that we adequately fund education in our state, gives the cities and towns that are affected three years to come up to speed on this. A vote for this bill is a vote for public education in this state and I urge you all to support the Majority Ought to Pass Report. Thank you, Mr. Speaker.

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. This is a difficult economic climate for all of our communities. This is an example of do what I say and not what I do, and until we walk in their shoes, I'm hesitant to vote for this. I would ask that the Clerk read the Committee Report.

The same Representative **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 Freedom, Representative Jones.

Representative **JONES**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. We all know what current budget proposals are being considered and, we'll say, devastating consequences they will be having on property tax owners. We're talking about revenue sharing, homestead exemption, BETE and BETR cuts. Meanwhile, while we're considering revenue proposals in this very House, okay, that would create increasing pressures on the property tax, meanwhile, our share of the 55 percent that we are mandated by a 2004 people's referendum has been declining over time. It's unfair for the state to ask local communities to pay their share with the most regressive of all taxes, if we as legislators do not have the will or the stomach or the courage to fund our share fully. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I voted to fund schools at 55 percent a decade ago. It's never been done. What it's been doing is sliding backwards and this administration is turning around and starting two or three different kinds of schools, and the last Chief Executive officer and the present Chief Executive officer have not fulfilled the 55 percent. I think until we do that, we should concentrate on public schools and the education and not turn them down. Thank you.

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. 69

(H.P. 324) (L.D. 474)

(C. "A" H-102)

YEA - Beaudoin, Beaulieu, Beavers, Beck, Berry, Briggs, Campbell J, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Cooper, Cotta, Cray, Daughtry, DeChant, Devin, Dickerson, Dill, Dorney, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Hamann, Harvell, Hayes, Herbig, Hobbins, Hubbell, Kaenrath, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Luchini, MacDonald S, MacDonald W, Maker, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Parry, Pease, Peoples, Plante, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Theriault, Tipping-Spitz, Treat, Tyler, Verow, Villa, Volk, Wallace, Welsh, Winchenbach, Wood, Mr. Speaker.

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

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

**ENACTORS
Emergency Measure**

An Act To Support the Permanent Commission on the Status of Women

(H.P. 192) (L.D. 231)

(C. "A" H-80)

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

Representative BERRY of Bowdoinham **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.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 70

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Briggs, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Clark, Cooper, Cotta, Crafts, Cray, Daughtry, Davis, DeChant, Devin, Dickerson, Dill, Dorney, Dunphy, Duprey, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jackson, Johnson D, Johnson P, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kinney, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Lockman, Long, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Newendyke, Noon, Nutting, Parry, Peoples, Plante, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Saxton, Schneck, Shaw, Short, Sirocki, Stanley, Stuckey, Theriault, Timberlake, Tipping-Spitz, Treat, Tyler, Verow, Villa, Volk, Wallace, Weaver, Welsh, Werts, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - NONE.

ABSENT - Boland, Bolduc, Crockett, Dion, Doak, Knight, Libby A, Longstaff, Nadeau A, Pease, Peavey Haskell, Peterson, Pouliot, Turner, Willette.

Yes, 136; No, 0; Absent, 15; Excused, 0.

136 having voted in the affirmative and 0 voted in the negative, with 15 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**CONSENT CALENDAR
Second Day**

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

(S.P. 309) (L.D. 884) Bill "An Act To Improve Death Investigations"

(S.P. 245) (L.D. 696) Bill "An Act To Include Raising Equines in the Definition of Agriculture for the Purpose of the Maine Workers' Compensation Act of 1992" (C. "A" S-42)

(S.P. 301) (L.D. 876) Resolve, To Establish a Working Group To Study Issues Relating to Broadband Infrastructure Deployment (C. "A" S-41)

(S.P. 320) (L.D. 943) Bill "An Act To Amend Provisions of the Law Pertaining to Motor Vehicles" (C. "A" S-40)

(S.P. 328) (L.D. 983) Bill "An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2014" (C. "A" S-39)

(H.P. 449) (L.D. 657) Resolve, Directing the Department of Agriculture, Conservation and Forestry To Review, Clarify and Update Its Rules Pertaining to the Maple Syrup Industry (C. "A" H-106)

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

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

Bill "An Act To Require Edible Landscaping in a Portion of Capitol Park"

Emergency Measure

Resolve, To Create the Task Force on the Prevention of Sexual Abuse of Children

(H.P. 77) (L.D. 95)
(C. "A" H-79)

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. 127 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, To Improve the Participation Rate of Prescribers in the Controlled Substances Prescription Monitoring Program

(H.P. 263) (L.D. 388)
(C. "A" H-71)

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

Representative McCABE of Skowhegan **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.

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

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 71

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Briggs, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Clark, Cooper, Cotta, Crafts, Cray, Daughtry, Davis, DeChant, Devin, Dickerson, Dill, Dorney, Dunphy, Duprey, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jackson, Johnson D, Johnson P, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Lockman, Long, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Newendyke, Noon, Nutting, Parry, Pease, Peoples, Plante, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Saxton, Schneck, Shaw, Short, Sirocki, Stanley, Stuckey, Theriault, Timberlake, Tipping-Spitz, Treat, Tyler, Verow, Villa, Volk, Wallace, Weaver, Welsh, Werts, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - NONE.

ABSENT - Boland, Bolduc, Crockett, Dion, Doak, Libby A, Longstaff, Nadeau A, Peavey Haskell, Peterson, Pouliot, Turner, Willette.

Yes, 138; No, 0; Absent, 13; Excused, 0.

138 having voted in the affirmative and 0 voted in the negative, with 13 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Mandate

An Act To Connect Benefits Provided under the Circuitbreaker Program with the Payment of Property Taxes

(H.P. 111) (L.D. 136)
(C. "A" H-82)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, 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 Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Amend the Law Concerning the Membership of the Maine Economic Growth Council

(H.P. 30) (L.D. 35)
(C. "A" H-72)

An Act To Protect Maine Business Names

(H.P. 41) (L.D. 46)
(C. "A" H-60)

An Act To Place Land in Centerville in Trust for the Passamaquoddy Tribe

(H.P. 56) (L.D. 64)

An Act To Expand Transitional Assistance for Families

(H.P. 61) (L.D. 78)
(C. "A" H-69)

An Act To Improve Community Mental Health Treatment

(S.P. 38) (L.D. 87)
(C. "A" S-33)

An Act To Add Using an All-terrain Vehicle to the List of Activities Included in the Definition of "Guide" in the Inland Fisheries and Wildlife Laws

(H.P. 117) (L.D. 142)

An Act To Amend the Laws Governing Pharmacy Interns

(H.P. 123) (L.D. 148)
(C. "A" H-83)

An Act To Amend the Laws Pertaining to Archaeological Sites

(H.P. 135) (L.D. 160)
(C. "A" H-62)

An Act To Improve Health Services to Schools

(H.P. 158) (L.D. 197)
(C. "A" H-75)

An Act To Amend Provisions Relating to the Department of Corrections To Clarify Certain Enforcement Powers

(S.P. 135) (L.D. 355)
(C. "A" S-38)

An Act To Add Members of the Aroostook Band of Micmacs to the Maine Indian Tribal-State Commission and Add Corresponding Members for the State

(H.P. 269) (L.D. 394)

An Act To Amend the Health Care Practitioner Licensing, Disciplinary and Reporting Laws Regarding Alcohol and Drug Abuse

(H.P. 286) (L.D. 411)
(C. "A" H-84)

An Act To Change the Quorum Requirement for Meetings of the Land for Maine's Future Board

(H.P. 343) (L.D. 524)
(C. "A" H-59)

An Act To Amend the Laws Governing the Maine State Library

(H.P. 351) (L.D. 532)
(C. "A" H-73)

An Act To Amend the Laws Governing Complimentary Hunting, Trapping and Fishing Licenses for Disabled Veterans
(H.P. 360) (L.D. 541)
(C. "A" H-74)

An Act To Modernize the Statutes Governing Physician Assistants
(H.P. 375) (L.D. 556)
(C. "A" H-85)

An Act To Amend the Definition of "Special Mobile Equipment" in the Motor Vehicle Laws
(H.P. 386) (L.D. 567)

An Act To Amend the Laws Governing Reapportionment To Conform to the Constitution of Maine
(H.P. 393) (L.D. 574)

An Act To Amend the Laws Governing Motorcycle and Moped Permits
(H.P. 410) (L.D. 591)

An Act Regarding the Maximum Rate of Speed on the Interstate Highway System
(H.P. 446) (L.D. 654)
(C. "A" H-64)

An Act To Encourage the Teaching of Agricultural Studies in Schools
(H.P. 460) (L.D. 668)
(C. "A" H-88)

An Act To Clarify the Agricultural Exemption to the Workers' Compensation Laws
(H.P. 512) (L.D. 761)
(C. "A" H-92)

An Act To Establish Invite Your Maine Legislator To School Month
(H.P. 573) (L.D. 822)
(C. "A" H-87)

An Act To Remove the Provision That a Motorcycle Operator May Prove a Motorcycle Muffler Does Not Exceed Specific Noise Standards
(H.P. 642) (L.D. 918)

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

Resolves

Resolve, Directing the Department of Health and Human Services To Provide Coverage under the MaineCare Program for Home Support Services for Adults with Intellectual Disabilities or Autistic Disorder
(H.P. 12) (L.D. 8)
(C. "A" H-68)

Resolve, Regarding the Presence of the Department of Health and Human Services in Urban and Rural Areas
(H.P. 120) (L.D. 145)
(C. "A" H-70)

Resolve, Directing the Maine Labor Relations Board To Convene a Task Force To Examine Compensation for the Panel of Mediators
(H.P. 481) (L.D. 689)
(C. "A" H-93)

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 To Restore Eligibility and Funding for Drug Programs for the Elderly and Disabled

(S.P. 219) (L.D. 629)
(C. "A" S-25)

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

On motion of Representative BERRY of Bowdoinham, was **SET ASIDE**.

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

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

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

Representative **SANDERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'd just like to remind you again, though there is huge support on both sides of this aisle for our seniors, this bill right here is seeking to increase reimbursement for the Drugs for the Elderly program by 10 percent, from 175 to 185 percent. We've reduced it to 175 percent last year. There are other options available. We still are 75 percent above the national average. Maine still puts a lot of effort into supporting our seniors. Thank you.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I spoke on this the other day. This was one of my pet projects when I was up here before and I got the support of former Chief Executive John Baldacci. I would like to see it return to where it was. It worked to the eight years I was up here and I guess it fell through the cracks these last two years, so let's bring it back. Thank you.

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. 72

YEA - Ayotte, Beaudoin, Beavers, Beck, Berry, Boland, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Kumioga, Kusiak, Lajoie, Libby N, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nelson, Noon, Peoples, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Werts, Wilson, Mr. Speaker.

NAY - Beaulieu, Bennett, Black, Campbell R, Chase, Clark, Cotta, Crafts, Cray, Davis, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, Jackson, Johnson D, Johnson P, Keschl, Kinney, Knight, Lockman, Long, MacDonald S, Maker, Malaby, Marean, McClellan, Newendyke, Nutting, Parry, Pease, Reed, Sanderson, Sirocki, Timberlake, Tyler, Wallace, Weaver, Winchenbach, Winsor, Wood.

ABSENT - Bolduc, Crockett, Dion, Doak, Libby A, Longstaff, Nadeau A, Nadeau C, Peavey Haskell, Peterson, Pouliot, Turner, Volk, Willette.

Yes, 91; No, 46; Absent, 14; Excused, 0.

91 having voted in the affirmative and 46 voted in the negative, with 14 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Resolve, To Direct the Department of Administrative and Financial Services, Bureau of Revenue Services To Report on Conformity with the Streamlined Sales and Use Tax Agreement (H.P. 228) (L.D. 319) (C. "A" H-81)

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

On motion of Representative BERRY of Bowdoinham, was **SET ASIDE**.

The same Representative **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.

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

ROLL CALL NO. 73

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Boland, Briggs, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Clark, Cooper, Cotta, Crafts, Cray, Daughtry, Davis, DeChant, Devin, Dickerson, Dill, Dorney, Dunphy, Duprey, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jackson, Johnson D, Johnson P, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kinney, Knight, Kornfield, Kumiega, Kusiak, Lajoie, Libby N, Lockman, Long, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Newendyke, Noon, Nutting, Parry, Pease, Peoples, Plante, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Saxton, Schneck, Shaw, Short, Sirocki, Stuckey, Theriault, Timberlake, Tipping-Spitz, Treat, Tyler, Verow, Villa, Volk, Wallace, Weaver, Welsh, Werts, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - NONE.

ABSENT - Bolduc, Crockett, Dion, Doak, Kruger, Libby A, Longstaff, Nadeau A, Peavey Haskell, Peterson, Pouliot, Stanley, Turner, Willette.

Yes, 137; No, 0; Absent, 14; Excused, 0.

137 having voted in the affirmative and 0 voted in the negative, with 14 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

UNFINISHED BUSINESS

The following 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 Protect Local Input in Economic Development and Redevelopment Efforts" (H.P. 1057) (L.D. 1476)

(Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** suggested)

TABLED - April 30, 2013 (Till Later Today) by Representative BERRY of Bowdoinham.

PENDING - REFERENCE.

Subsequently, the Bill was **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**, ordered printed and sent for concurrence.

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

SENATE PAPERS

The following Joint Order: (S.P. 558)

ORDERED, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, May 7, 2013 at 10:00 in the morning.

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

Bill "An Act To Authorize a General Fund Bond Issue To Strengthen Maine's Economy and Communities" (S.P. 557) (L.D. 1492)

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

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in concurrence.

Bill "An Act To Strengthen the Laws Regarding Certain Crimes Committed by a Person in a Position of Authority" (S.P. 556) (L.D. 1491)

Came from the Senate, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in concurrence.

Bill "An Act To Amend the Mandatory Shoreland Zoning Laws" (S.P. 555) (L.D. 1490)

Came from the Senate, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed.

REFERRED to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** in concurrence.

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-111)** on Bill "An Act To Amend the Social Work Education Loan Repayment Program" (H.P. 731) (L.D. 1036)

Signed:

Senators:

MILLETT of Cumberland
JOHNSON of Lincoln

Representatives:

MacDONALD of Boothbay
DAUGHTRY of Brunswick
HUBBELL of Bar Harbor
KORNFIELD of Bangor

MAKER of Calais
NELSON of Falmouth
POULIOT of Augusta
RANKIN of Hiram

To Reimburse Philip Wolley for Litigation Expenses Incurred in Connection with His Termination and Reinstatement as a State Employee"

(H.P. 451) (L.D. 659)

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

Signed:
Senator:
PATRICK of Oxford

Signed:
Senator:
LANGLEY of Hancock

Representatives:
LUCHINI of Ellsworth
BEAULIEU of Auburn
FOWLE of Vassalboro
GIFFORD of Lincoln
JOHNSON of Eddington
KINNEY of Limington
LONGSTAFF of Waterville
RUSSELL of Portland
SCHNECK of Bangor

Representatives:
JOHNSON of Greenville
McCLELLAN of Raymond

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-109)** on same Bill.

READ.
Representative MacDONALD of Boothbay moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Signed:
Senators:
TUTTLE of York
MASON of Androscoggin

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

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

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

Representative:
SAUCIER of Presque Isle

ROLL CALL NO. 74

Representative MITCHELL of the Penobscot Nation - of the House - supports the Majority **Ought Not to Pass** Report.

YEA - Beaudoin, Beavers, Beck, Berry, Boland, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dorney, Espling, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Tyler, Verow, Villa, Welsh, Werts, Wilson, Mr. Speaker.

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

The **SPEAKER**: The Chair recognizes the Representative from Orrington, Representative Campbell, who wishes to address the House on the record.

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I apologize for getting back into the body late. In reference to Roll Call No. 69 on LD 667, if I had been present, I would have voted yea. Thank you.

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

On motion of Representative BEAUDOIN of Biddeford, the House adjourned at 11:41 a.m., until 10:00 a.m., Tuesday, May 7, 2013 pursuant to the Joint Order (S.P. 558).

NAY - Ayotte, Beaulieu, Bennett, Black, Campbell R, Chase, Clark, Cotta, Crafts, Cray, Davis, Dunphy, Duprey, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Jackson, Johnson D, Johnson P, Keschl, Kinney, Knight, Lockman, Long, MacDonald S, Maker, Malaby, Marean, McClellan, McElwee, Newendyke, Nutting, Parry, Pease, Reed, Sanderson, Sirocki, Timberlake, Volk, Wallace, Weaver, Winchenbach, Winsor, Wood.

ABSENT - Bolduc, Crockett, Dion, Doak, Harvell, Libby A, Longstaff, Nadeau A, Peavey Haskell, Peterson, Pouliot, Turner, Willette.

Yes, 92; No, 46; Absent, 13; Excused, 0.

92 having voted in the affirmative and 46 voted in the negative, with 13 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-111)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 7, 2013.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act