ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
SECOND REGULAR SESSION
43rd Legislative Day
Thursday, April 5, 2012

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

Prayer by the Honorable Brian D. Bolduc, Auburn.

National Anthem by Rachel Ellis, Augusta.

Pledge of Allegiance.

Doctor of the day, Lisa Ryan, D.O., Naples.

The Journal of yesterday was read and approved.

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act To Establish the St. John Valley Regional Planning Commission"

(H.P. 578) (L.D. 771)

Minority (3) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-865)** in the House on April 3, 2012.

Came from the Senate with the Majority (9) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-864)** in **NON-CONCURRENCE**.

The House voted to **INSIST** and **ASK** for a **COMMITTEE OF CONFERENCE**. Sent for concurrence.

COMMUNICATIONS

The Following Communication: (S.C. 832)

MAINE SENATE
125TH LEGISLATURE
OFFICE OF THE SECRETARY

April 3, 2012
The Honorable Robert W. Nutting
Speaker of the House
2 State House Station
Augusta, Maine 04333
Dear Speaker Nutting:

In accordance with 3 M.R.S.A. §158 and Joint Rule 506 of the 125th Maine Legislature, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Tate Wagstaff of Ellsworth for appointment to the Maine Maritime Academy, Board of Trustees.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Ward I. Graffam of Portland for appointment to the Maine Maritime Academy, Board of Trustees.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Heidi H. Sampson of Alfred for appointment to the State Board of Education.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Kristin K. Bishop of Madison for appointment to the State Board of Education.

Upon the recommendation of the Committee on Judiciary, the nomination of Susan Roy of Waterville for appointment to the Maine Commission on Indigent Legal Services.

Upon the recommendation of the Committee on Labor, Commerce, Research and Economic Development, the nomination of Katharine I. Rand of Portland for appointment to the Labor Relations Board.

Upon the recommendation of the Committee on Labor, Commerce, Research and Economic Development, the nomination of Peter T. Dawson of Hallowell for reappointment to the Labor Relations Board.

Upon the recommendation of the Committee on Labor, Commerce, Research and Economic Development, the nomination of Richard J. Ezzy of Caribou for reappointment to the Loring Development Authority.

Upon the recommendation of the Committee on Labor, Commerce, Research and Economic Development, the nomination of Thomas Clowes of Stockholm for reappointment to the Loring Development Authority.

Upon the recommendation of the Committee on Labor, Commerce, Research and Economic Development, the nomination of Miles R. Williams of Caribou for appointment to the Loring Development Authority.

Upon the recommendation of the Committee on Labor, Commerce, Research and Economic Development, the nomination of Rollie Heckethorn of Auburn for appointment to the Rural Development Authority.

Upon the recommendation of the Committee on Labor, Commerce, Research and Economic Development, the nomination of Robert Tyler of Princeton for reappointment to the Washington County Development Authority.

Upon the recommendation of the Committee on Labor, Commerce, Research and Economic Development, the nomination of Ronald P. Green, Jr. of Plymouth for appointment to the Workers' Compensation Board.

Sincerely,
S/Joseph G. Carleton, Jr.
Secretary of the Senate

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (S.C. 836)

MAINE SENATE
125TH LEGISLATURE
OFFICE OF THE SECRETARY

April 4, 2012
The Honorable Robert W. Nutting
Speaker of the House
2 State House Station
Augusta, Maine 04333
Dear Speaker Nutting:

In accordance with 3 M.R.S.A. §158 and Joint Rule 506 of the 125th Maine Legislature, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of James W. Gorman, Jr. of Freeport for appointment to the Land For Maine's Future Board.

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of William J. Vail of Saco for appointment to the Land for Maine's Future Board.

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of the Honorable Donald G. Marean of Hollis for reappointment to the Land For Maine's Future Board.

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of James R. May of

Mapleton for appointment to the Land Use Regulation Commission.

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of Durward L. Humphrey of Benedicta for appointment to the Land Use Regulation Commission.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Kaitlyn Kinsey of Fort Fairfield for appointment to the Maine Community College System, Board of Trustees.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of the Honorable Jean Ginn Marvin of Cape Elizabeth for appointment to the Maine Community College System, Board of Trustees.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Tyler C. Hadyniak of Freedom for appointment to the University of Maine System, Board of Trustees.

Upon the recommendation of the Committee on Marine Resources, the nomination of Christopher Weiner of Portland for appointment to the Marine Resources Advisory Council.

Upon the recommendation of the Committee on Marine Resources, the nomination of Angelo Ciocca of Cape Elizabeth for appointment to the Marine Resources Advisory Council.

Upon the recommendation of the Committee on Marine Resources, the nomination of Albert C. Carver of Beals for appointment to the Marine Resources Advisory Council.

Sincerely,

S/Joseph G. Carleton, Jr.

Secretary of the Senate

READ and **ORDERED PLACED ON FILE**.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the members of the Hampden Academy Boys Basketball Team, on their winning the 2012 Eastern Class A Championship: Cameron Scott, Matthew Martin, Zachary Gilpin, Brian Fickett, Tyler Norris, Matthew Palmer, Myles Safford, Dillon Corliss, Chad Worster, Ryan Dunton, Jefferson Adams and captains Christian McCue, Logan Poirier and Frederick Knight; head coach Russ Bartlett; assistant coaches Gary Colson, Jordan Cook and Blaine Meehan; and managers Jay Baines and Cam McAllister. We send our congratulations and best wishes to the members of the team on their achievement;

(HLS 1136)

Presented by Representative CUSHING of Hampden.

Cosponsored by Senator PLOWMAN of Penobscot, Senator THIBODEAU of Waldo, Representative RIOUX of Winterport.

On **OBJECTION** of Representative CUSHING of Hampden, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **CUSHING**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. During our high school careers, we all have some different benchmarks that we accomplished. We all have memories that we take away from it. Any of us who have been involved in athletics understand the special bond that develops as you practice, you play games, you watch films and you work together. I am quite honored today to rise to recognize those young men who are part of the Hampden Academy Boys Varsity Basketball Team, who went through a tremendous season, were able to successfully win their way through to the championship and unfortunately came up a little short against their rivals at Deering. But that does not detract from the incredible…

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

Representative **CUSHING**: Thank you. That does not detract from the dedication that these young men exhibited in their practices and in their play, and it certainly speaks well to their character. I spoke to one of the coaches of what has been our arch rivals on an annual basis, Roger Reed from Bangor High School, and he had nothing but gracious comments to make about their play and particularly their demeanor. He said that these young men set a great example on the course and in how they conducted themselves. Also, Coach Reed and also a former member of this body, the Honorable Josh Tardy, both spoke to the caliber of Coach Russ Bartlett who has the opportunity and the pleasure to coach these young men, who himself came up through the ranks at Hampden and has done a wonderful job with this program. So it is my honor, Mr. Speaker and Ladies and Gentlemen of the House, to rise today to add my comments of congratulations to the Hampden Broncos.

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

Representative **HASKELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise to join my colleague in congratulating Hampden for an extraordinarily well played game, great sportsmanship and great Maine basketball. This is one of the things that Maine is all about and I congratulate them on their excellent play. Thank you.

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

Recognizing:

Christian McCue, of Hampden Academy, who has been named Mr. Basketball 2012 by the Maine Association of Basketball Coaches. We extend our congratulations and best wishes to Christian on his accomplishment;

(HLS 1137)

Presented by Representative CUSHING of Hampden.

Cosponsored by Senator PLOWMAN of Penobscot, Senator THIBODEAU of Waldo, Representative RIOUX of Winterport.

On **OBJECTION** of Representative CUSHING of Hampden, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **CUSHING**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. My apologies for rising twice on Sentiments, but I feel that you'll recognize it's appropriate. This young man, Mr. McCue, who was chosen by the basketball coaches as Mr. Basketball, I think exemplifies the dedication, the commitment to his sport and the character that all coaches and we as adults look to from young people. Christian is a senior at Hampden Academy and he has been an outstanding player, has been an inspiration to his team on and off the court, and I am honored today to be able to stand before you and recognize him with this Sentiment from the Legislature on his accomplishment and recognition. Thank you, Mr. Speaker.

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

In Memory of:

Lael Swinney Stegall, of Deer Isle, mother, wife, political activist, campaigner for human rights and active member of her community. Mrs. Stegall grew up in Washington, D.C. She attended Colby College and earned her master's degree in social work at the University of Chicago. She helped found the first school of social work in Turkey as a Peace Corps volunteer in the mid-1960s. Mrs. Stegall was cofounder and director of the National Women's Political Caucus advocacy group. She also helped to found the Windom Fund, which supported voting rights and women's empowerment, serving as its executive director for 8 years, and Emily's List, a political action fund for progressive women candidates for political office. Mrs. Stegall and her husband, Ronald D. Stegall, moved permanently to Maine in 2000, after having vacationed on Deer Isle for many years. She went into the lobster business part-time with a friend, serving as sternman. She served as chair on the board of directors of Opera House Arts at the Stonington Opera House, and was dedicated to the community and the State. Mrs. Stegall will be greatly missed and long remembered by her loving family, her many friends and those whose lives she touched;

(HLS 1130)

Presented by Representative KUMIEGA of Deer Isle.

Cosponsored by Senator LANGLEY of Hancock, Representative CHAPMAN of Brooksville, Representative CAIN of Orono, Representative HAYES of Buckfield, Representative FLEMINGS of Bar Harbor, Representative WELSH of Rockport, Representative STEVENS of Bangor, Representative SLAGGER of the Houlton Band of Maliseet Indians, Senator HILL of York, Representative TREAT of Hallowell, Representative KRUGER of Thomaston, Representative CASAVANT of Biddeford, Representative WEBSTER of Freeport, Representative MALONEY of Augusta, Senator SCHNEIDER of Penobscot, Representative GRAHAM of North Yarmouth, Senator GOODALL of Sagadahoc, Representative HUNT of Buxton, Representative INNES of Yarmouth, Representative MacDONALD of Boothbay, Representative ROTUNDO of Lewiston, Representative CAREY of Lewiston, Representative HOGAN of Old Orchard Beach, Representative BEAUDOIN of Biddeford, Representative STUCKEY of Portland, Representative PEOPLES of Westbrook, Senator ALFOND of Cumberland, Representative GILBERT of Jay, Representative BRIGGS of Mexico, Representative LUCHINI of Ellsworth, Representative BERRY of Bowdoinham, Representative ROCHELO of Biddeford, Representative GOODE of Bangor, Representative PETERSON of Rumford, Representative MONAGHAN-DERRIG of Cape Elizabeth, Representative SOCTOMAH of the Passamaquoddy Tribe.

On **OBJECTION** of Representative KUMIEGA of Deer Isle, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **KUMIEGA**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I don't know how many of the members of the House have been to Deer Isle. It's quite a ways from here. Getting there involves a couple of bridges and a causeway. From Deer Isle Village there is another bridge and a causeway involved to getting to the Port of Sunshine. It's about as far away from Washington, D. C., as you can get in many, many ways, and yet there in the Port of Sunshine Lael Stegall, after living this amazing life in Washington, D.C., and helping people all over the world, found happiness working the stern of a lobster boat with her friend Joanne Heanssler. The depth and breadth of Lael Stegall's life's work is amazing. The world is a better place because of the work she did and she is greatly missed. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Rockport, Representative Welsh.

Representative **WELSH**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House and also family and friends of Lael. As you have heard, she was a remarkable woman. She was a true renaissance woman, doer of many things and of many diverse interests. She cared deeply for our democracy and the democratic process and she was a strong proponent of encouraging women to be involved in politics. As a friend and as an acquaintance, she was always positive, always happy and always very encouraging, and I am blessed to have known her. Thank you.

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

Representative **CAIN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. There are many kinds of celebrities. There are celebrities that are well known because they are in the tabloids and in the paper or on television or on the radio, and then there are the kind of celebrities that have led amazing lives, who deserve all of the accolades, who deserve the notoriety and yet live humble lives. Then there are people like me who know about those people, who literally are left speechless when you have the chance to meet them. That's how I felt during my first term in the Legislature when I, completely without knowing it, had the opportunity and privilege to sit at a dinner table with Lael Stegall at the University of Maine at an event. I was truly speechless because sitting right near me was a woman who, with a group of her friends and other committed women, truly has changed the face of politics for women in the United States. Building on the traditions of elected women in the past but recognizing a need to do it better, to do it with focus and to do it deliberately, Lael Stegall helped found and fund and support organizations of women across this country who really laid the foundation for someone like me to be here. Meeting her was truly one of the most exciting things I've ever gotten to do and she probably had no idea that I went home and called my dad and couldn't wait to tell my parents that I had met this amazing woman who had made such a difference for so many people.

That night at dinner, I remember I kept trying to ask her questions and she kept asking questions about me, because that's the kind of person that she was. It wasn't about the fact that she had literally changed the face of so many people's lives, changed the destiny of so many people's lives, but really she wanted to know what I was going to do, what was I going to be, where was I going to go. I feel lucky to have spent that time, I feel lucky to be a part of that and I feel fortunate that the State of Maine is part of the legacy that continues to grow from the work and life of Lael Stegall. Thank you, Mr. Speaker.

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

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 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.

An Act To Support Members of the Law Enforcement Community Who Have Suffered a Catastrophic Illness (EMERGENCY)

(H.P. 1402) (L.D. 1900)
(C. "A" H-858)

TABLED - April 3, 2012 (Till Later Today) by Representative CUSHING of Hampden.

PENDING - **PASSAGE TO BE ENACTED**.

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

Representative **CUSHING**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We deal with many issues here in the Legislature, some of them are very complex and require great study and deliberation, others are more basic and easily understood but no less important. Today we have before us a bill which while brief and simple in its wording is no less important to many who it can or will impact. I am referring to LD 1900, "An Act To Support Members of the Law Enforcement Community Who Have Suffered a Catastrophic Illness."

I brought this legislation forward shortly after learning of a situation that had occurred from a news article on March 13th. It seemed especially unjust to learn that those within the law enforcement community were denied the opportunity to help one of their own during a time of undue hardship. It seemed especially harsh that this seemed to occur during the most difficult time that this family and this department had faced during this struggle, the week of this deputy's wife's funeral.

I would like to begin this story by telling you briefly about those involved. A young woman from the County, Kim LaPlante, born in Grand Falls, New Brunswick, and raised by Delano and Jocelyne LaPlante in Cyr Plantation, married a young man 12 years ago, Robbie Pelletier. He chose a career in law enforcement, she in finance and accounting. They eventually bought a home in Orrington and were moving on with their lives when a visit to her doctor brought terrible news, that she had cancer. Their family and Robbie's law enforcement colleagues rallied to their support. Unfortunately, she lost her battle on March 7th of this year.

Mr. Speaker, there is a phrase that I have often reflected on during trying times that myself and many others I know have faced. "In every adversity is the seed of an equal or greater benefit." This seems very suitable today. Had it not been for that news story, I might not have known of the difficulty in the law and we would not have this opportunity of correcting the language so that others will not have to suffer the same difficulties that this family was faced with.

And I say family because I refer to Deputy Robbie Pelletier, and Kim's parents, Mr. and Mrs. LaPlante, but I also refer to the law enforcement community as a whole as they are a family. There are over 2,600 men and women in Maine who wear the uniform of a law enforcement officer on a full time basis and another 1,400 plus who are in part-time duties. They protect our state and its communities during day and night, 365 days a year. Sometimes they work on weekends and holidays, many times they miss family time and special events. They take the good and the bad dealing with often contentious and dangerous situations. Many times they are the first to arrive in a difficult or tragic situation and must learn to put aside their own feelings and emotions to deal with the current issues at hand. This is part of what bonds them together and makes them a family, and like any good family in times of need they take care of their own. Today, by passing this law, we will allow them the opportunity to better help their family. For Deputy Pelletier, the LaPlantes and the Penobscot County Law Enforcement Community this law was a bit late. For that, you have our apologies. But the challenges you've faced in this situation have made the way easier for others and we hope you will take comfort from this small act.

I thank you for allowing me, Mr. Speaker and Ladies and Gentlemen of the House, to rise today to speak and I now urge you to adopt this bill so it can better serve those who are so selflessly serving us.

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

Representative **BURNS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It's a great privilege for me to be able to just say a few words about this bill and I want to thank Representative Cushing for bringing it forward. It's an extremely important and extremely personal bill to me. I went through a similar situation with my son, whose wife was diagnosed with cancer, as he was a state trooper, and the outpouring of support from his fellow officers was just incredible. Unfortunately, there was a prohibition in place that allowed any exchange between agencies. This bill will remedy that. It's one thing that law enforcement officers have, like many other vocations, it's a family, it's a brotherhood and there are many opportunities and they all respond to those opportunities to support each other. So this bill goes to great lengths to remedy that glitch that existed. I hope you will all support this. Law enforcement officers and their families depend on each other and this will further that. Thank you very much, Mr. Speaker.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 138 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.

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

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-893)** on Bill "An Act To Amend the Laws Pertaining to the Maine Economic Improvement Fund"

(H.P. 1393) (L.D. 1885)

Signed:
Senators:
RECTOR of Knox
JACKSON of Aroostook
MARTIN of Kennebec

Representatives:
DOW of Waldoboro
DRISCOLL of Westbrook
HERBIG of Belfast
HUNT of Buxton
TUTTLE of Sanford
VOLK of Scarborough

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-894)** on same Bill.

Signed:

Representatives:
PRESCOTT of Topsham
GILBERT of Jay
NEWENDYKE of Litchfield
WALLACE of Dexter

READ.

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

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

ENACTORS
Emergency Measure

An Act To Amend the Law Regarding the Sale of Wood Pellets and Wood

(H.P. 1219) (L.D. 1610)
(CC. "A" S-510)

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

On motion of Representative KNIGHT of Livermore Falls, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

Mandate

An Act To Amend the Laws Governing Freedom of Access

(S.P. 456) (L.D. 1465)
(C. "A" S-514)

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. 126 voted in favor of the same and 7 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Evaluate the Harvesting of Timber on Land Taxed under the Maine Tree Growth Tax Law

(S.P. 459) (L.D. 1470)
(C. "A" S-441)

An Act Regarding the Interstate Compact for Adult Offender Supervision

(S.P. 603) (L.D. 1755)
(C. "A" S-513)

An Act To Implement the Recommendations of the Stakeholder Group To Review the Maine State Grant Program

(S.P. 680) (L.D. 1908)

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

UNFINISHED BUSINESS

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

Expression of Legislative Sentiment in Memory of Francis S. Harvey, of Kenduskeag

(HLS 1014)

TABLED - March 6, 2012 (Till Later Today) by Representative GUERIN of Glenburn.

PENDING - **ADOPTION**.

The SPEAKER: The Chair recognizes the Representative from Glenburn, Representative Guerin.

Representative **GUERIN**: Thank you, Mr. Speaker. Francis Harvey was a lifetime resident of Kenduskeag. He led the town in many different capacities throughout his life, including moderating town meeting for over 40 years. I fondly remember Mr. Harvey as a calm voice of reasoning during the boisterous town meetings in the 1960s when I was a little girl. At last year's town meeting, a much older Mr. Harvey stood under the American flag and presided over town meeting for a final time. The picture remains in my mind as a true glimpse of the American spirit. Today I stand in appreciation for Mr. Harvey's community spirit and dedication.

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

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-905)** on Bill "An Act Requiring Communication of Mammographic Breast Density Information to Patients"

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

Signed:
Senators:
McCORMICK of Kennebec
CRAVEN of Androscoggin

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

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

Signed:
Senator:
FARNHAM of Penobscot

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-905)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-905)** and sent for concurrence.

CONSENT CALENDAR
First Day

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

(S.P. 569) (L.D. 1670) Bill "An Act To Extend the Scope of the Maine Guaranteed Access Reinsurance Association" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-522)**

(H.P. 1410) (L.D. 1906) Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions, a Major Substantive Rule of the Commission on Governmental Ethics and Election Practices (EMERGENCY) Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass**

(H.P. 1381) (L.D. 1867) Bill "An Act To Protect Victims of Domestic Violence" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-907)**

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 Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

ENACTORS
Emergency Measure

An Act To Facilitate Rapid Response by Out-of-state Businesses to State Disasters

(H.P. 1357) (L.D. 1836)
(C. "A" H-868)

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.

Mandate

An Act To Ensure Effective Teaching and School Leadership

(H.P. 1376) (L.D. 1858)
(C. "A" H-900)

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. 102 voted in favor of the same and 32 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Adopt the Use of Standardized Risk Assessment in the Management of Domestic Violence Crimes

(H.P. 1263) (L.D. 1711)
(C. "A" H-890)

An Act To Ensure Notification to Victims of Domestic Violence, Sexual Assault and Stalking When Defendants Are Released on Bail

(H.P. 1295) (L.D. 1760)
(C. "A" H-884)

An Act To Create Efficiencies in the Administration and Enforcement of the Maine Uniform Building and Energy Code

(H.P. 1312) (L.D. 1787)
(C. "A" H-892)

An Act To Revise the Income Tax Return Checkoffs

(H.P. 1347) (L.D. 1826)
(C. "A" H-880)

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.

REPORTS OF COMMITTEE
Pursuant to Joint Rule 309

From the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Ensure a Reliable Funding Stream for the Department of Inland Fisheries and Wildlife"

(S.P. 551) (L.D. 1652)

Received by the Secretary of the Senate on April 4, 2012, pursuant to Joint Rule 309.

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED**.

The Bill and accompanying papers were **INDEFINITELY POSTPONED** in concurrence.

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

The House recessed until 2:00 p.m.

(After Recess)

The House was called to order by the Speaker.

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

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

UNFINISHED BUSINESS

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

An Act To Protect Gasoline Marketers from Liability for Selling Federally Approved Gasoline

(S.P. 557) (L.D. 1658)
(S. "A" S-474 to C. "A" S-413)

TABLED - March 29, 2012 (Till Later Today) by Representative CURTIS of Madison.

PENDING - **PASSAGE TO BE ENACTED**.

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

Representative **HINCK**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I have an interest in this bill. In brief, I think it would be a mistake if we passed this measure as is, and I will explain. There is perhaps a broad area of potential agreement, specifically on ethanol and gasoline. Not only is that not an optimum fuel, it is also bad public policy and

has been for a very long time. So when in a prior debate the good Representative from Berwick said corn ethanol is a colossal waste and that it has been subsidized with billions of dollars of U.S. taxpayers' dollars, I was in complete agreement with the Representative from Berwick. But in order to get to the point of this bill, a little bit of the history is useful.

We got ethanol and gasoline going back to something that was called gasohol in the 1970s, when there were gas shortages worse than we've probably seen before or since, and it was considered to be a response to a shortage in gasoline due to a cartel. Once that emergency was passed, the Federal Government started to lose interest in ethanol. There were some commodities brokers that didn't want to lose that market for corn. Prominent among them were Archer Daniels Midland and the Cargill Company. When the good Representative from Berwick mentioned the billions of dollars of U.S. taxpayer money, what was also true was that a lot of that money went right to the coffers of those two companies. In the beginning of the ethanol boondoggle, which wasn't so much about extending gasoline supplies but rather on purported benefits to clean air, which was supported entirely by research paid by Archer Daniels Midland and Cargill and never really substantiated, the oil companies were dead set against it. I know this. I looked at thousands of pages of documents which had a lot to do with the battle between the oil companies and the commodities brokers over whether or not we'd have ethanol and gasoline.

You know, eventually they reached a certain peace and part of the deal was the mandate wouldn't be for ethanol alone but for oxygen, and the oil companies could put their own additive in instead which was MTBE. MTBE was once hotly debated in these halls initially because people opposed the mandate, later because well owners all over Maine ended up with MTBE in their wells, which is how I got involved. At no time did I think that ethanol was a good idea, even though I was convinced that MTBE was a bad idea. So I understand the reason for this bill. At least my understanding is that the idea is if the Federal Government with the commodities brokers has an idea to put something which is not gasoline into gasoline that might cause harm, we should try and protect people that are innocent and certainly we could agree that a retailer of the gasoline would have been innocent. This bill covers retailers of ethanol and gasoline. It also covers blenders. It also covers distributors and now it's getting a little less clear because the distributors not only include entities like Dead River Oil or J&S Oil, but also potentially the oil majors. Remember they entered a deal to allow this gas and I'm not so sure we should be protecting oil majors from possibly getting sued when some poor Mainer has their motor fouled by lousy gasoline.

But another reason why the bill isn't really needed is our legal system is not broken. The harm that we're looking at protecting somebody from is if somebody's motor is ruined here in Maine because they're forced to put gasoline with ethanol in it, they might sue somebody like the innocent retailer. But the person who owns the motor is innocent too. So everything we do in this bill is taking away the potential rights of the person whose motor is ruined. So I would think that even if you wanted to jump in there, you would use something narrow so that we aren't really coming down against the person who has a boat with a couple of outboard motors and finds that they're both ruined after putting gasoline with ethanol in it. You know, I happen to know that that person, if their outboards are ruined, even if we never pass anything, he's going to have a hard time getting any compensation. You know, it's just the nature of the Maine judiciary.

It bears pointing out we haven't seen any literature on this recently, but the Chamber of Commerce, nationally, rates the states for how business friendly their Judiciary is. The last time they did that, the State of Maine was ranked number 12. Pretty business friendly. It's never been lower than that in years. It's been ranked in the top 10 much of the time. It's now currently 12. You know, one of the reasons why is it's not that easy for somebody who gets harmed to bring a case against someone else and come away with any large jury award. The Maine juries are notorious for not being that generous and, you know, we may all like that. That's fine. But in other words, we're coming down to try and protect some people from a lawsuit brought by a person who owns a motor in the State of Maine, and it's possible no one really needs that protection. But if they need that protection, it should be the retailer of the gasoline, perhaps. Maybe the blender, also a Maine entity. Maybe a local gasoline distributor. But not Exxon, Shell, Arco, who are in the room when these decisions are made in Washington. Neither the person who owns the motor in Maine nor the retailer is in the room. They have nothing to do with it. Why would we protect oil majors? That's what we're doing when we use the word "distributor" here. I think what's even more ironic when you look at the bill, and I made it available to people, the word "distributor" isn't defined in this bill. Archer Daniels Midland and Cargill are distributors of ethanol. It is possible that we would be insulating the people who made off with Mainers' money from being sued by the poor Mainer whose boat motor is ruined, when they are the ones, Arthur Daniels Midland and Cargill are the ones responsible for the scam. Why would we want to protect them?

An interesting question was also raised by a former attorney general who used to serve here in looking at this language. I did mention that I think it would be difficult for someone to bring the case in the first place. A typical tort action for negligence requires a wrongful act by the defendant in order for the plaintiff to be successful. We all agree here there is no wrongful act by the retailer. The court would generally agree with that. There is perhaps one exception and that's a doctrine called strict liability, strict product liability. It has been recognized in Maine. It has not worked that often in Maine, but it has been recognized. We could have a bill that prevented strict product liability and therefore you would have to show fault in order to win the case, but this bill doesn't do that. Instead it immunizes someone for all the possible claims – strict liability, negligence, whether there is fault, whether there is no fault – over and beyond that. It immunizes someone for damages caused by the use of motor fuel. It doesn't describe what those damages are. They could be any damages. It also doesn't say that it immunizes people only for negligence or even gross negligence. It could be for intentional conduct, so you have the possibility that a retailer, in addition to selling some gasoline at the dockside, has a problem with the boat owner and allows the gasoline to pool up in the boat and allows it to catch on fire, that retailer would be immunized or at least arguably immunized under the language of this bill.

Finally, let's say the boat owner has their motor ruined and the first person they talk to is the person that sold them the gas, and the person who sold them the gas finds that annoying and that person responds "You don't like what the gas did in your boat?" and then says "How would you like it in your eyes?" and spills some of the gasoline in the boat owner's eyes. This bill arguably would immunize the spiller from that conduct because it immunizes somebody from intentional conduct as well as negligence or even gross negligence. The bill goes much too far. I regret that it didn't come to my attention until it was quite far along in the process. I think one of the problems wasn't just mine. It really belonged to the Judiciary Committee. It didn't go

to the Judiciary Committee. The problems with the bill don't have to do with the expertise of the LCRED Committee. It has to do with not having much of an examination by the people with expertise in the Judiciary Committee. I think that this bill would be potentially an embarrassment to all of us if it passes. I thank you, Mr. Speaker, for giving me the opportunity to address it and I thank you for giving me the opportunity to vote against the bill at minimum.

Representative CAIN of Orono **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 Sanford, Representative Tuttle.

Representative **TUTTLE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. This bill before you today is the Unanimous Report of the Committee on Labor, Commerce and Economic Development. The bill provides that a distributor or retail dealer of motor fuel is not liable for damage caused by the use of motor fuel containing more than 10 percent ethanol. The bill will provide that a distributor or a retail dealer of motor fuel is not liable for damages caused by the use of motor fuel containing more than 10 percent of ethanol sold.

The bill, as the testimony before us, before the committee, the bill will help protect local convenience stores to assure that they, by selling a federally required specification fuel, are not dragged into legal liabilities over ethanol if the product liability arises from the use of this fuel in vehicles. Reducing exposure to liability will help reduce insurance rates. A dealer that sells a vehicle that conforms to manufacturer specifications could not have any liability either. This is an issue between the Federal Government and manufacturers. Currently, this is not an issue in Maine but in a few years we'd be dealing with ethanol as high as E15. It is my understanding that the good Representative has an amendment to be offered on this bill. I would suggest that we would allow the Unanimous Report to go forward and ask that we would support the Unanimous Report at this time, Mr. Speaker. Thank you.

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

Representative **O'CONNOR**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I did not intend to speak on this bill. I thought that it would just go under the hammer because it is an excellent bill. I do appreciate the kind words from Representative Hinck; however, in this case, I believe he's wrong and having reviewed the amendment and having spoken to a couple of attorneys on this and having had a pretty good understanding of the Commerce Clause, this amendment would be in violation of the Commerce Clause which, and I quote, the power to regulate commerce is incompatible with the free market economy and antithetical to the purpose of the Constitution, which was written, and I quote, to form a more perfect Union, establish justice and insure domestic tranquility, promote the general welfare and secure the blessings of liberty offered to ourselves and our posterity. If the intent of the Commerce Clause was to give government absolute control of the free market, it would have simply said that government, Congress, has the power to regulate. In this case, it does not and what this bill does simply is pretty much what the resolution that most of you approved last year did. It tells the members of our Congressional body that ethanol is a boondoggle. We do not like it. It is eating up our food sources and it is costing us an additional 20 percent every time we put gas in our car. It is, by far, one of the worst products that has ever hit the market. This bill tells them that we do not want this product increased from 10 to 15 percent in our gas. As a matter of fact, I think many of us here would like to see it taken right off the market. This bill simply addresses Congress and tells them how upset we are with their continued force of this fuel additive into our market. Thank you.

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

Representative **PRESCOTT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I was one of the people that voted on this Unanimous Report and I agree with the Representative that just spoke. This bill is about having no choice. Right now, our small businesses, our convenience stores and other motor fuel retailers don't have a choice in the product that they sell. We all know that ethanol is causing problems with small engines. This is just a simple bill aimed at saving the convenience store owners and other motor fuel retailers from the costs associated with potential product liability suits, resulting from the federal Renewable Fuel Standard requirements to sell gas with greater than 10 percent ethanol. But it doesn't stop there; 15 percent ethanol is coming. We don't want that. We need to start sending the message to those that are in power and those that are mandating this to the people that are using this product. So please vote with the report that's in front of you, LD 1658, and help us protect our businesses in Maine. Thank you.

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

Representative **HINCK**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Once again, I am in agreement that there's a problem with the ethanol mandate. It doesn't matter whether it's 10 percent or 15 percent, the problem with higher concentrations of ethanol is that, as has been mentioned, there is evidence that it's destructive to motors and engines that it's put into. We're all in agreement on that. I don't see how this bill sends a message to just about anybody. It's not addressed to Congress. Congress doesn't care if Bernie Bean from Maine can't sue. This bill says that the person whose motor gets harmed by the gas cannot bring a lawsuit. That's all it does. Congress doesn't care about that. The Commerce Department doesn't care about that. Washington doesn't care about that. This is protecting some Mainers from other Mainers in court and, worse than that, it protects oil giants and Cargill from getting sued by the person whose motor is ruined in Maine by this fuel.

As I said before, even if we like that as policy, it should have been more narrowly drafted. It should have prevented somebody from bringing a strict product liability claim against a defined universe of harmless people rather than against all possible claims, no matter whether the conduct is negligent or intentional and whether the people who might be responsible are the oil companies, Cargill or the local retailer. The bill went much too far and you could end up with a constituent who has a ruined motor and possibly other harm from this stuff. It could be used by somebody negligently, grossly negligently or even intentionally poorly, somebody could actually be seeking to hurt someone in Maine and this bill protects them because they happen to use the gasoline as their method to do the harm. It's just a poorly written bill. Based on a decent idea, it goes way too far and is too harmful of the interests of the poor guy whose motor gets ruined by this gasoline. Thank you.

The SPEAKER: The Chair recognizes the Representative from Denmark, Representative Sarty.

Representative **SARTY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. My oh my. I mean this bill is less than four lines long. It does not seem complicated to me. We have hundreds of businesses throughout this state that are being forced to sell a fuel containing a derivative that can do harm to the personal property of their

customers. Everyone knows this. They have been complaining about it for years. For anyone to infer that Congress doesn't care, I think, sends absolutely the wrong message. This takes the liability off the mom-and-pop general store, the marina and other businesses that offer fuel for sale in the State of Maine. We've been complaining about this additive for years. It's hurting people's cars. It's hurting their boats. It's hurting their lawnmowers and other power equipment. They've known it for years in Washington. To me, this bill sends a message: We're not going to let you put our business people in Maine at risk because you people are making irresponsible decisions in Washington.

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. 297

YEA - Ayotte, Beaudoin, Beaulieu, Bennett, Bickford, Black, Burns DC, Cain, Cebra, Chase, Clark H, Clark T, Clarke, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dill J, Dow, Driscoll, Duchesne, Dunphy, Eberle, Edgecomb, Espling, Fitts, Fitzpatrick, Flood, Fossel, Foster, Fredette, Gifford, Gilbert, Gillway, Graham, Guerin, Hamper, Hanley, Harmon, Harvell, Hayes, Herbig, Hogan, Hunt, Johnson D, Kaenrath, Keschl, Knapp, Knight, Kumiega, Libby, Long, Longstaff, Lovejoy, Luchini, Maker, Malaby, Martin, McCabe, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Newendyke, O'Connor, Olsen, Parker, Parry, Peoples, Peterson, Picchiotti, Pilon, Plummer, Prescott, Rankin, Richardson D, Richardson W, Rioux, Rosen, Sarty, Shaw, Sirocki, Stevens, Strang Burgess, Theriault, Tilton, Timberlake, Turner, Tuttle, Valentino, Volk, Wallace, Waterhouse, Weaver, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

NAY - Beavers, Beck, Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Casavant, Chapman, Chipman, Cornell du Houx, Eves, Flemings, Goode, Harlow, Haskell, Hinck, Innes Walsh, Johnson P, Kruger, Lajoie, MacDonald, Maloney, Mazurek, Monaghan-Derrig, Morrison, Nelson, O'Brien, Priest, Rochelo, Rotundo, Russell, Sanborn, Stuckey, Treat, Wagner R, Webster, Welsh.

ABSENT - Carey, Celli, Dion, Kent, Sanderson.

Yes, 105; No, 40; Absent, 5; Vacant, 1; Excused, 0.

105 having voted in the affirmative and 40 voted in the negative, 1 vacancy with 5 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-895)** on Bill "An Act To Provide Incentives To Foster Economic Growth and Build Infrastructure in the State" (EMERGENCY)

(H.P. 310) (L.D. 384)

Signed:
Senators:
RECTOR of Knox
MARTIN of Kennebec

Representatives:
PRESCOTT of Topsham
DRISCOLL of Westbrook
GILBERT of Jay
HERBIG of Belfast
HUNT of Buxton
NEWENDYKE of Litchfield
TUTTLE of Sanford
VOLK of Scarborough
WALLACE of Dexter

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

Signed:
Senator:
JACKSON of Aroostook

Representative:
DOW of Waldoboro

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-895)** was **READ** by the Clerk.

Representative WELSH of Rockport **PRESENTED House Amendment "A" (H-909)** to **Committee Amendment "A" (H-895)**, which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-895) as Amended by House Amendment "A" (H-909) thereto was **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-895) as Amended by House Amendment "A" (H-909)** thereto and sent for concurrence.

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

HOUSE DIVIDED REPORT - Majority (12) **Ought to Pass as Amended by Committee Amendment "A" (H-885)** - Minority (1) **Ought to Pass as Amended by Committee Amendment "B" (H-886)** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Expand Educational Opportunities for Maine Students"

(H.P. 1372) (L.D. 1854)

TABLED - April 4, 2012 (Till Later Today) by Representative RICHARDSON of Carmel.

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

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-885)** was **READ** by the Clerk.

Representative RICHARDSON of Carmel **PRESENTED House Amendment "B" (H-901)** to **Committee Amendment "A" (H-885)**, which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-885) as Amended by House Amendment "B" (H-901) thereto was **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-885) as Amended by House Amendment "B" (H-901)** thereto and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-867)** - Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Phase Out Dirigo Health and Establish the Maine Health Benefit Exchange for Small Businesses and Individuals"

(H.P. 1099) (L.D. 1498)

TABLED - April 4, 2012 (Till Later Today) by Representative RICHARDSON of Warren.

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

Representative CAIN of Orono **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

Representative **TREAT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. The issue before us with this legislation is whether or not to design and manage a Maine based, customer friendly health insurance exchange or to wait and let the Federal Government do it instead. If you Accept the Majority Ought Not to Pass Report, the path you will be choosing is to let the Federal Government do it instead. The State of Maine has already spent upwards of $1 million in federal grants to design such an exchange, and it has accepted $6 million more to finish setting it up so that the exchange will be ready in October of next year for people and small businesses to use to sign up for health insurance. A health insurance exchange will make it easier for consumers, individuals and small businesses, to compare plans based on value, quality and service. The exchange will assist consumers in selecting coverage, calculating costs, comparing options and learning about public programs. The exchange will guarantee individuals a secure place to go to get quality competitively priced health plans if they lose their job or want to start their own business. This bill gives thousands of Maine people peace of mind.

Right now, too many middle class families have nowhere to turn if they lose the coverage offered by their employer. Funding to help pay for insurance premiums will be available on a sliding scale for individuals and families between 133 percent and 400 percent of the federal poverty level. This means that middle class families who currently cannot afford health insurance will be able to. For example, a family of four with a median Maine income of 46,000 could receive $10,000 to pay for insurance based on a calculator by the Kaiser Family Foundation, a nonprofit. In addition, low-income individuals and families with incomes between 133 percent and 250 percent of the federal poverty level will be eligible for cost sharing subsidies to limit out-of-pocket costs such as deductibles, co-payments and coinsurance. A Maine exchange will also provide outreach grants to community organizations and other entities that serve as trusted resources for individuals with low income and the uninsured. By working with these resources, we are more than likely to reach those currently uninsured and in need of premiums assistance in order to make health insurance more affordable. By having more people covered with health insurance, we all benefit. The purpose of insurance is to spread risks and costs among as many people as possible so that no one is bankrupted by the high costs of illnesses or forced to go without care. Therefore, including more people should mean that the cost of health insurance premiums will lower overall. A figure I'd heard is that nationally $1,000 is added to the cost of insurance of individuals to pay for those who do not have insurance.

Secondly, people with health insurance generally seek care earlier and access care in doctor's offices rather than expensive emergency rooms. This means illnesses will be caught earlier when they are less expensive to treat, which reduces the costs of health care.

Finally, health reforms will help employers. A healthier workforce will lead to increased productivity and exchanges are especially helpful to small businesses that lack the resources for their own HR staff. Not to mention which I said earlier, if you want to set up business on your own, getting health care is the thing that is often preventing you from doing that. We know the Maine Chamber of Commerce would prefer to see a state run exchange. They said so in their last newsletter. Northeast Delta Dental wrote us a letter in our committee and expressed a preference for a Maine based exchange, which it feels will be better for the smaller regional insurance company such as Northeast Delta Dental. A broad coalition of consumer and health advocates, medical associations and AARP all supported a Maine designed exchange as established in LD 1498, which is pending before us right now. Maine is the most rural state in the nation. That's the most recent finding from the Census. Broad swaths of our state do not have functioning broadband internet. It is really important that we design an exchange to take into consideration factors such as these, which will affect how an exchange will work. Do we want an off-the-shelf model designed in Washington that relies mostly on the Internet or one we design and manage here in Maine that will address the specific needs of Maine consumers and Maine businesses with strong conflict of interest rules, with consumer representation, with a role for both insurance agents and navigators, and that fully complies with federal law? Waiting until the Supreme Court's decision means delaying action until next year when it will be too late. There's no question when it will be too late to get a state-based exchange up and running. We have the grants in hand to finish planning the exchange. What do we lose by being ready? Other states whose governors have challenged the federal law are moving ahead to set up an exchange because they know it will only benefit their constituents. Every Maine stakeholder group and study of this issue over the past three years, whether by the former administration, our current Chief Executive, or a bipartisan legislative study, every single one came up with the same conclusion: We should design, build and run the health exchange ourself. A vote for LD 1498 and against the pending motion will do just that. It's the responsible way forward.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Morissette.

Representative **MORISSETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise seldom; however, this issue causes me great concern. As many of you know, I ran for this position for my children and the children of Maine. While I know the good Representative from Hallowell has great passion for health care, I spent many sleepless nights reading the ACA and looking into the many ways to create an exchange for the State of Maine. The bottom line is if we create this exchange, this exchange the State of Maine cannot afford,

this exchange that will create a swan dive into a sea of bureaucracy, I cannot go home tonight and look my children in the eye if I vote to increase the size of government and to increase the debt on their future. Thank you.

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

Representative **MORRISON**: Thank you, Mr. Speaker and good afternoon, Ladies and Gentlemen of the House. This bill would definitely benefit a business such as mine that I run. I run a small business in Portland, a beautiful inn, and this would directly help my staff. A bill, an exchange set up such as the care that this bill has taken, Representative Treat has put extensive work into this bill. This would help my staff and many other small businesses all over the State of Maine create a marketplace for them to afford health care that they couldn't afford before this. The last time I did a data poll and my numbers are a little off obviously, so don't quote me, but the last time that I did a data poll 120,000 Mainers were without insurance and that was way too many for me. One person without insurance is too many for me.

This particular bill would help small businesses in Maine and that's why I'm going to ask you to vote against the pending motion and vote with small business and vote with the workers who work in those small businesses. My staff works incredibly hard every day and they deserve quality health care. I am going to vote against this pending motion for them and for other small businesses throughout Maine who would benefit from this wonderful exchange that we have put together. It's just a marketplace to shop for great quality health care. Again, I'm asking you all to put politics aside and vote for small businesses, vote for those workers in small businesses who would benefit from this. Thank you, Mr. Speaker.

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

Representative **GRAHAM**: Thank you, Mr. Speaker. Mr. Speaker, may I please pose a question through the Chair?

The SPEAKER: The Representative may pose her question.

Representative **GRAHAM**: Thank you, Mr. Speaker. If this bill is not passed and we don't set up a state exchange, is the state going to return the $6 million that was given to us through the Federal Government as well as the $1 million we've already spent in order to set up a computer system for this? Are we going to return that money to the Federal Government?

The SPEAKER: The Representative from North Yarmouth, Representative Graham has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Newcastle, Representative McKane.

Representative **McKANE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have to agree with the good Representative from Hallowell that we don't want an off the shelf model designed in Washington and that's what this entire Affordable Care Act is, and it is frankly being rammed down our throats. If Maine were to choose to establish a state exchange, this is what we would get to do, basically all of the heavy lifting and all of the dirty work. We would have all the oversight and required monitoring for compliance of all the insurers within the exchange. We'd have the administration and the exchange itself, including the navigators, the staffing, the payroll and the rent. We would have responsibility for the computer system which would be, by the way, tied into our own Health and Human Services computer system – I don't think we want to go there – and everything else that has to do with this very complicated Dirigo-like program.

But most important of all, we would be responsible for the funding and the estimates from the feds are between $20 and $70 million a year to fund this program. Now it's been said that Maine can start off a little cheaper than that, maybe do it for $15 million, maybe even a little less than that. It's still a lot of money. It's still coming out of our economy. It's still coming out of health care. What are some of the suggestions for this money? Well, there is a beer, wine and soda tax. I told them when I talked to them that we had already tried that and that was repealed by a people's veto. They said, well, just another unhealthy foods tax or maybe a targeted income tax. I don't think we want to do that. We don't need to take that out of our economy. The idea is that we are going to have control over a state exchange. Well, no, I don't think we are. The feds are going to always have the control over this. They're going to tell us what to do and we're going to do it. They're going to tell us to jump, we're going to ask "How high?" and that's how it works. If the ACA is not found unconstitutional, Maine will have an exchange. The question is do we want to take the responsibility and do all the dirty work and pay for it, or do we want to just push back and say, you know what, Federal Government, we're not quite ready for this.

There is a lot of unanswered questions, a lot of them, particularly around costs. No one can really give us accurate costs. One thing that's for sure, that if the Affordable Care Act goes ahead as planned or at least it's been predicted by our own Bureau of Insurance through an actuarial study that the individual market premiums will increase 38 percent. We know that, in all likelihood, over the next 10 years, the United States will spend about $2 trillion on this program, that there will be fewer people on private insurance, there will be a massive expansion of Medicaid and it is an incredible increase in bureaucracy into a health care system that is overburdened with bureaucracy now. I believe that the Affordable Care Act is going to follow the same fate as Dirigo. It's too unpopular, too expensive, too bureaucratic and is just going to collapse under its own weight. I would submit to you that this bill would be one small step for the Legislature and one giant leap for more bureaucracy, higher premiums and higher taxes, and I ask you to vote the pending motion. Thank you.

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

Representative **GOODE**: Thank you, Mr. Speaker. I just want to rise and remind members of the body what the question before us is. The question before us, Men and Women of the House, is not whether or not you like an exchange. It's whether or not the state will run an exchange or the Federal Government will run the exchange. So in my experience talking with constituents about bureaucracy and which levels of government they like or they don't like, the general consensus seems to be that government is less bureaucratic the closer it is to the people and when people think of government bureaucracy, the Federal Government, I think, seems to be the bureaucracy that people are most skeptical of. So I want to remind people that stakeholders and legislators have worked for nearly two years on implementing a health insurance exchange. The IFS Committee has worked on this. There has been a Joint Select Committee in the 124th Legislature that worked on this. There has been a Governor's Advisory Group. The ACHSD has worked on this and they have consistently been told by almost all major organizations that work on health care and deal with health care in this state, that we should create a state-based exchange. They disagree on elements of governance, but they have been consistent in that position. The State Chamber newsletter we received last week noted that they view opposition to a state-based exchange as a decidedly unfortunate outcome on a particularly important public policy question. We know that middle class families are struggling and the bill before us is an

opportunity to put more money in the pockets of middle class families. There are tax credits available, should the Legislature pass this bill, for people purchasing insurance. A family of four who makes $46,000 a year could get a credit up to $10,000 a year. By not acting this session to implement an exchange, we miss that opportunity.

I want to just close by reminding you from the quotes from the Mississippi Insurance Commissioner Mike Chaney that I read last week over a different bill. He serves in a solidly red state and his quote regarding the Affordable Care Act and the exchange is "There are portions in that act that are good parts. And that part happens to be the exchange. It is not a Republican idea. It is not a Democratic idea. It is a universal idea, and it has been around for a long time. We don't want an exchange from the federal government that is one size fits all." So I close with urging you to oppose the pending motion and thank you for letting me speak.

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. 298

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

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

ABSENT - Celli, Dion, Kent, Sanderson, Stevens.

Yes, 75; No, 70; Absent, 5; Vacant, 1; Excused, 0.

75 having voted in the affirmative and 70 voted in the negative, 1 vacancy with 5 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

HOUSE DIVIDED REPORT - Report "A" (8) **Ought to Pass as Amended by Committee Amendment "A" (H-876)** - Report "B" (3) **Ought Not to Pass** - Report "C" (2) **Ought to Pass as Amended by Committee Amendment "B" (H-877)** - Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Establish the Department of Agriculture, Conservation and Forestry" (EMERGENCY)

(H.P. 1350) (L.D. 1830)

TABLED - April 4, 2012 (Till Later Today) by Representative EDGECOMB of Caribou.

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

Subsequently, Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-876)** was **READ** by the Clerk.

Representative TIMBERLAKE of Turner **PRESENTED House Amendment "C" (H-910)** to **Committee Amendment "A" (H-876)**, which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-876) as Amended by House Amendment "C" (H-910) thereto was **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-876) as Amended by House Amendment "C" (H-910)** thereto and sent for concurrence.

HOUSE DIVIDED REPORT - Report "A" (8) **Ought to Pass as Amended by Committee Amendment "A" (H-882)** - Report "B" (4) **Ought Not to Pass** - Report "C" (1) **Ought to Pass as Amended by Committee Amendment "B" (H-883)** - Committee on **JUDICIARY** on Bill "An Act To Implement Recommendations of the Right To Know Advisory Committee Concerning a Public Records Exception for Proposed Legislation, Reports and Working Papers of the Governor"

(H.P. 1331) (L.D. 1805)

TABLED - April 4, 2012 (Till Later Today) by Representative CURTIS of Madison.

PENDING - Motion of Representative NASS of Acton to **ACCEPT** Report "A" **OUGHT TO PASS AS AMENDED**. (Roll Call Ordered)

The SPEAKER: The Chair recognizes the Representative from Acton, Representative Nass.

Representative **NASS**: Thank you, Mr. Speaker. You know, often we go to meetings and we brainstorm various ideas. An example might be we need to raise money for this organization and a leader says "Any idea goes." So we put up poster board around the room and we go around the room and we put up our ideas. Any idea goes. If we are raising money, we might put down things like selling high priced raffle tickets, a no-bake bake sale, cow plop bingo or finding new donors that will give lots of money. Well, then we use our basic decision-making process: We look at the pros and we look at the cons of each, and we delete and get rid of the ideas that won't work. Well, when we as legislators put in a bill, we put in the best idea that we can think of and we sometimes put in a concept draft and we look for the Revisor's Office to put out a bill that says what our intent was. Unfortunately, that always isn't the case. Most of us do not want some ridiculous idea or maybe like the example I gave up above, which does raise money by the way, cow plop bingo. You might not want that smeared on the front page of every paper. I don't know that some of my less than brilliant ideas on the front of the paper, I would want, for someone to say "Well, boy was she a dummy with this." So I really think that none of us would like ideas that haven't been fully vetted with peers to go forth.

This bill that we have is a bill that would give the Governor and his internal staff, the internal staff being the Chief of Staff, his legal counsel and directors of policy and the people that are under them, the same privilege that we have that's written in the statutes that most Governors also enjoy. This is only with

records relating to items which require legislative action. Now, this exception would remain in place until the information is made public to anyone outside the internal staff or it is submitted to the Legislature or adjournment of the session in which it's prepared or a six-month period has lapsed. I ask that you look at the paper that I handed out this morning. Please read it and vote Ought to Pass as Amended by Committee Amendment "A." Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative **PRIEST**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. This bill came to the Judiciary Committee as a result of a recommendation from the majority of the Right to Know Committee. The Committee Report allows the Chief Executive basically the same rights as far as exemption from FOIA that we have. What are the objections to this, the public policy objections? Well, one is that it's vague. Well, the exemption is pretty clear it seems to me. It's for records relating to the deliberative process of the Chief Executive concerning legislative proposals or budgeting proposals or requests. That's pretty clear. Whose record are we talking about? Well, the records are clear. It's the Chief Executive, his Chief of Staff, his legal counsel and the director of policy. That's it. Records of commissioners, not exempt. Communications to these advisors from outside, not exempt. Communications from these advisors to outside, not exempt. How long does this last? Well, at most, six months and probably less time from the six months from the time that record is created. That sounds pretty specific to me. That doesn't sound vague.

The concern was, well, what if it's abused, how will we know? So we have a sunset and the sunset is for the end of 2013, so we'll have plenty of time to take a look at it and if we don't like it, get rid of it. But I remind you, it is pretty much the same thing that we have.

Another objection: We'll be an outlier. Maine will be the only one who does this. Well, in fact, Massachusetts does it, Vermont does it, Connecticut does it, Virginia does it, Hawaii does it, Illinois does it, New Jersey does it, South Dakota does it, Tennessee does it, Texas does it, and Utah does it. So as a matter of public policy, this should be for all Chief Executives, not just for the current one. I am convinced that the exemption is justified. Again, it's no more than what we have so I ask you to vote for the Majority Report. 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. A year ago during hunting season, my brother and I were sitting on our couch getting ready to go out as my daughter arrived off the bus. She stormed up the driveway, came into the house and said "They're spreading rumors about me at school." My brother said, "What rumor are they spreading?" "They say I like David Henry." My brother said, "Yesterday you told us that you liked David Henry. They're not spreading rumors." She said, "Well, I told a friend" and I said, "Rachel, your problem is you told a friend."

One of the first things we learn about secrecy in life, if you don't want anybody else to know it, don't tell them. The ancients implicitly understood something that we seem to have forgotten today and that is much of what we do here is about power, it's about power and it's about secrecy. Power is always advancing. It never contracts. If you pass this bill today, it will go beyond this Chief Executive. It will go to the next Chief Executive. Take the War Powers Act passed in Congress in 1973, not one single presidential administration has ever said they accept it. Why? Because it's an encroachment on their power. This division is about two bodies and our founding fathers set up mechanisms to stop and control and confront power with power. When you go to vote for this, remember this is only a bill that Richard Nixon could have loved and I urge you to vote no.

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

Representative **MALONEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am voting against this bill for the simple reason that I don't see why we need it. We've had Republican Chief Executives, Independent Chief Executives, Democratic Chief Executives, all different people operating under the current system. There haven't been any complaints. I didn't hear that there was anything that was being prevented from happening by the current system. I just don't see that there's a problem. So that's the basic reason that I'm against it. What's the problem we're trying to fix? All we're doing is keeping less information out of the hands of Maine people, so why would we want to do that?

We've been hearing that it's similar to the legislative exemption and I don't believe that it is and the reason is, look around. There is 151 of us in this chamber. We don't have the power of the Chief Executive, we don't have the staff of the Chief Executive and so it's a completely different thing that we're looking at. This bill says that the internal staff of the Governor means the Governor's Chief of Staff, legal counsel, director of policy and employees under their direct supervision. I have no idea how many people that refers to. It's simply too broad for me to be able to support, and I do think that it's important to point out that the only person who came to testify in favor of this was a representative from the Chief Executive's office. There is a lot of groups opposed to it, including the Maine Freedom of Information Coalition and so I urge you to vote against this at this time. Thank you.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Monaghan-Derrig.

Representative **MONAGHAN-DERRIG**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I, too, will also be voting against LD 1805 for really three reasons here. Maine received an F in a recent assessment of accountability and transparency. We ranked a deplorable 46th nationwide and I believe LD 1805 would only make this worse. I believe that transparency is fundamental to a healthy democracy. The people of Maine expect lawmakers to uphold open government and protect our sunshine laws. To me, this bill appears to be a contradiction to the Chief Executive's commitment to, and I respectfully quote, "be so open that even you will be amazed." So with that, Ladies and Gentlemen of the House, I ask that you oppose LD 1805. Thank you.

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

ROLL CALL NO. 299

YEA - Ayotte, Beaulieu, Beavers, Black, Burns DC, Cebra, Chase, Clark T, Crafts, Curtis, Cushing, Damon, Edgecomb, Fitts, Fitzpatrick, Flood, Fossel, Foster, Gifford, Gillway, Hamper, Johnson P, Keschl, Knight, Long, Malaby, McFadden, Morissette, Moulton, Nass, Newendyke, Parker, Picchiotti, Plummer, Priest, Richardson W, Rioux, Rosen, Sarty, Sirocki, Tilton, Timberlake, Wallace, Waterhouse, Weaver, Winsor, Mr. Speaker.

NAY - Beaudoin, Beck, Beliveau, Bennett, Berry, Bickford, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Casavant, Chapman, Chipman, Clark H, Clarke, Cornell du Houx, Cray, Crockett, Davis, Dill J, Dow, Driscoll, Duchesne, Dunphy, Eberle, Espling, Eves, Flemings, Fredette, Gilbert, Goode, Graham,

Guerin, Hanley, Harlow, Harmon, Harvell, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Johnson D, Kaenrath, Knapp, Kruger, Kumiega, Lajoie, Libby, Longstaff, Lovejoy, Luchini, MacDonald, Maker, Maloney, Martin, Mazurek, McCabe, McClellan, McKane, Monaghan-Derrig, Morrison, Nelson, O'Brien, O'Connor, Olsen, Parry, Peoples, Peterson, Pilon, Prescott, Rankin, Richardson D, Rochelo, Rotundo, Russell, Sanborn, Sanderson, Shaw, Strang Burgess, Stuckey, Theriault, Treat, Turner, Tuttle, Valentino, Volk, Wagner R, Webster, Welsh, Willette A, Willette M, Wood.

ABSENT - Celli, Cotta, Dion, Kent, Stevens.

Yes, 47; No, 98; Absent, 5; Vacant, 1; Excused, 0.

47 having voted in the affirmative and 98 voted in the negative, 1 vacancy with 5 being absent, and accordingly Report "A" **Ought to Pass as Amended** was **NOT ACCEPTED**.

Subsequently, on motion of Representative NASS of Acton, Report "B" **Ought Not to Pass** was **ACCEPTED** and sent for concurrence.

Bill "An Act To Provide Tax Relief for Maine's Citizens by Reducing Income Taxes"

(S.P. 252) (L.D. 849)

- In House, **FAILED OF PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (S-427) AS AMENDED BY SENATE AMENDMENT "C" (S-443)** thereto on March 27, 2012.

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (S-427) AS AMENDED BY SENATE AMENDMENTS "C" (S-443) AND "E" (S-506)** thereto in **NON-CONCURRENCE**.

TABLED - April 2, 2012 (Till Later Today) by Representative KNIGHT of Livermore Falls.

PENDING - **FURTHER CONSIDERATION**.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Chase.

Representative **CHASE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I was going to explain what this bill does. Did you need a process before this?

The SPEAKER: The Chair would inform the Representative that we need a motion.

Representative **CHASE**: That's what I thought. Thank you so much.

Representative CUSHING of Hampden moved that the House **RECEDE AND CONCUR**.

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

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

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

Representative **WEBSTER**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I look forward to hearing the explanation from my colleague regarding what this bill will do, and I would be glad to defer to her if she would like to lay out the argument in favor of this bill and will do so.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Chase.

Representative **CHASE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to explain the bill again that we had talked about the other day. First of all, what 849 does is after we've paid all of our bills, after we've passed the budget, after we've all voted and decided what we were going to pay for revenue sharing or for GPA or for the programs that we want, after the bills that needed funding get funded, after everything is said and done and it's passed and it's all calculated out, the remaining funds at that point that are left over go into what's called a cascade.

In the cascade we have some set things that are done. The first thing, of course, is the state contingency account. The second is a transfer to the loan insurance reserve, which is FAME, for $1 million. The third is a $15 million per year deductions of appropriations for the state controller necessary to be passed out and to the state retirement plan. But the fourth one is what we're talking about here, what this particular bill addresses, and in that we're asking that the 20 percent, which is the amendment from the other body, not 40 that was originally proposed but 20 percent now get put into this fourth priority reserve, or the cascade, to allow that there would be set a Tax Relief Fund.

Now the Tax Relief Fund would be used first of all to provide the full funding for what's known as the Circuit Breaker program and then the remaining portion beyond that would be used to buy down the income tax, the highest rate of income tax over a period of time, until it reaches 4 percent. I just want to make it clear that everyone understands that it's after we have voted. All the payments for everything else, after all the budgets have been passed, all the bills have been paid for that we want to, after that's complete and what's left over, that's when this cascade comes in and not before. Thank you.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Casavant.

Representative **CASAVANT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Last time I spoke on this particular bill, I raised a number of issues. I still feel that those issues remain. The big thing that worries myself and other mayors in the State of Maine and city managers is the effect on property taxes. Property tax relief is central to what we do here. We talk about it here every day and the reality is that when you go to a city council meeting or a town meeting, if you talk to any city manager, whatever, taxpayers are not thrilled with even an incremental increase on a property tax. They cannot absorb any additional burdens and the problem happens to be that because of the structure that we established for cities and towns in terms of revenue, we are essentially limited to the excise tax, which is another real favorite tax in the State of Maine, and the property tax and hope for some manner of relief via the Circuit Breaker or revenue sharing. Now we know that over the past several years, because of the economy, that has been decreasing. I would suggest that the passage of this bill further jeopardizes any consistent positive revenue sharing stream to go to your cities and towns, and so I would urge you to vote against this bill because, again, we are responsible to our taxpayers back home and we all certainly know that if you want to incur the wrath of the taxpayer, do something that affects the property tax. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **LOVEJOY**: What does this do about meeting the state's 55 percent funding of education for this state? It's been chronically underfunded.

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

Representative **CHASE**: Thank you. If you recall what I had said earlier, it's after we've already established. The only thing that – this particular bill does not affect that because it's we, we

here in the Legislature, that determines what's going to be paid to GPA. It's what we vote to pass each year. When they provide us from the Education with their budget, well we propose out. That's what we do. If we wish to pay the full 55 percent, then it should be in our budget and we should be passing it here on this floor. This bill doesn't do that. If we were to pass the GPA at 55 percent, for instance, and we voted that in, then that's wonderful and then what was ever left over from the end of that budget would then go into this amount. But the amount in the cascade, or this particular bill, does not affect the GPA. The GPA amount would affect what's in the cascade.

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

Representative **BERRY**: Thank you, Mr. Speaker. I will save my remarks for later, but I do want to answer the question a little bit differently. May I answer the previous question?

The SPEAKER: You certainly may.

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. The fact is that the payment that is made towards a reduction in the income tax is only a payment for the initial year and that's a very important piece to keep in mind in understanding how this bill works. All future years are left unfunded, but the tax rate reduction is locked in. This is similar to buying a car because you have the money for the first payment on the car but without the income and without a plan for making all future payments. Thank you.

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

Representative **TUTTLE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I'm not a tax expert, even though I served four painful years on the Tax Committee. But I was a municipal official for 10 years and I received something from Jeff Herman and I've been receiving calls from many municipal officials in my area. It explains that the article accurately describes the big talking points for and against the legislation and it is debated in the House and other body. What the article fails to mention, however, is the ponzi element of LD 849, which is why many municipal officials are strongly opposed to this bill.

A ponzi scheme is defined by Wikipedia as an investment operation that pays returns to investors from their own money or the money paid by subsequent investors rather than actual profit. LD 849 would dedicate state General Fund surplus for the purpose of cutting the state's income tax rate in half down to 4 percent. The ponzi element of LD 849 is that for the rest of the last four state fiscal years, large sums of property tax relief funds in the form of municipal revenue sharing have been withheld from towns and cities by the Legislature and deposited in the state's General Fund instead. But the upcoming fiscal year, the Legislature raid on municipal revenue sharing exceeds $44 million. Any General Fund surplus at the end of a fiscal year now includes these property tax relief dollars.

In short, LD 849 directly authorizes resources dedicated for property tax relief to be used not for their intended purpose but to instead buy down the state's income tax rate of the state's major three taxes. Property taxes contribute 44 percent to the total and the income taxes contribute 34 percent. There is something that is not right about using property tax funds to pay the income tax relief. Thank you, Mr. Speaker.

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

Representative **DUCHESNE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Okay, now we're just haggling. We wouldn't compromise our principles for 40 percent. We all know that the original plan was to skim 40 percent to pay down our long-term obligations and stabilize the rainy day fund. We wouldn't do that for 40, the other body is now asking if we would do it for 20. I say we hold out until they throw in a toaster oven. I need a moment with my Democratic colleagues, Mr. Speaker. This is not to leave this room. This bill is not that bad. This really puts the trickle in trickle down. That's the income reduction plan. Skim 20 percent off of surplus if and when we have one.

I'm sure you recognize the box of friends you're getting into because you've been in it too. If you remember the tax reform package we had to explain a few years back, it was revenue neutral, lowering the income tax rates, broadening the sales tax, making tax credits refundable to make the reform progressive, increasing taxes that were particularly exportable, and choosing only those sales tax items that were not going to result in pyramiding taxes on businesses. All our opponents had to say was Democrats raised 100 taxes. When your explanation is way longer than the rebuttal, you are in a box.

So this fall, our friends will have to explain that LD 849 adds income tax reduction to the cascade of things that a budget surplus is supposed to pay for to a bunch of voters who don't know what the cascade is. There will now be six items instead of five in the cascade and instead of 35 percent going to stabilize the budget it will be reduced to 28 percent, and the retirement allowance fund drops from 20 to 16 percent and so on, and it will only happen when there is a surplus. But some day after wandering 30 years in the desert, we will arrive at the Promised Land and our campaign mailings will say Republicans raided the rainy day fund. After a gift like this, this bill isn't going to live long enough to worry about.

Don't get me wrong, Mr. Speaker. On a personal level I like this idea. Counting the diet I'm going to go on next year, I've already lost 20 pounds. But cutting revenue is the easy part, especially future revenue. But if we think future legislators are going to do the hard part and cut future expense, we don't know future legislators very well. I mean none of the future Legislatures since 2004 have gotten to 55 percent school funding and we are the future Legislatures for that. The whole point of this bill is to trigger future budget crises that the Appropriations Committee is going to have to deal with. In each one of those crises they will say what they have always said. This is a good idea; we just can't do it right now. Even if it passes, LD 849 will have the statutory shelf life of a ripe banana, dead bill walking.

So what is the cost benefit on this bill, probable short-term consequences against the remote possibility the bill will actually do anything? There is no shortcut to fiscal responsibility. You can't put it off. Each Legislature is either fiscally responsible or it is not. Thank you, Mr. Speaker.

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

Representative **PILON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is truly irresponsible tax policy. As was mentioned earlier, it merely shifts the burden to municipalities and puts responsibility on future Legislatures. It's like driving down Main Street in Augusta and throwing dollar bills out the window and not worrying about how to pay for it in the future. We're putting the burden on Legislatures in the future.

I was speaking to a colleague on the other side of the aisle about this bill recently and they said "We do it all the time. What's the problem?" and I said "There is a big problem. It's not fiscally responsible. You're shifting the burden to municipalities." This is all about ratcheting down the income tax and shifting that burden to our municipalities. As I'm out campaigning for the Maine Senate, I'm out listening to people who say "I can't afford

my taxes in the town of Saco. If I have to sell my home, where am I going to go?" If we pass this bill, I know there are a number of people in my town that won't be able to stay in their homes. So I ask you, Mr. Speaker and Ladies and Gentlemen of this House, to not pass this bill. Thank you.

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

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I have great personal respect for my colleagues on the other side who voted for this and for similar measures in the past. But whatever our beliefs, I do hope we can all agree on respecting the will of Maine people. The pending motion is a bad rerun to a bad idea that has been repeatedly rejected not only by this body but also by Maine voters.

As amended by the other body, LD 849 is still fiscally irresponsible. It still robs from the middle to give to the top and it still thumbs its nose at the will of Maine people. It's fiscally irresponsible because it raids millions of dollars per year that are intended for the rainy day fund to make that first payment and only the first payment, and so doing it ratchets down state spending without making the future payments.

And so fully implemented, if we get to the goal that it lays out, we would be cutting $600 million per year in today's dollars. That's one out of five of our overall budget, with federal matching funds it could be a third to a half of our budget. If you don't think that's going to affect our schools to cut a third to a half of our budget, if you don't think that that's going to affect our revenue sharing to towns, think again. We're not even funding at 55 percent right now. We've cut revenue sharing by 30 percent. We should be going in that direction, not in this direction.

The bill still robs from the middle to give to the top. According to the Chief Executive's own staff, the Maine Revenue Services, when this is fully implemented, it will give $1 per year to the single parent who is working fulltime at minimum wage, and it will give $21,638 per year to those making an average of three quarters of a million dollars per year. None of that changes with the amendment from the other body. It still jacks up property taxes for everyone, especially for the middle class so that we can take credit here for something that we didn't do, that we left to future legislators.

Lastly, this bill thumbs its nose at the will of Maine people, even as amended, because it still ratchets down state spending as in the worst of the TABOR proposals which were rejected by Mainers, and by shifting costs even further towards property taxes and away from the 55 percent that were mandated by Maine voters in June of 2004.

So, Mr. Speaker, like the TABOR measures that inspired it, this bill as amended still throws our schools, our roads, our public safety, our property taxpayers and our middle class into the economic basement. Once they're there, it locks them up and throws away the key. There is no plan to do otherwise. The only improvement in the version before us, Mr. Speaker, is that the staircase to the basement is not quite so steep and I take small comfort in that fact.

This was a bad idea in 2004, it was a bad idea in 2006, it was a bad idea in 2009, and it was a bad idea two weeks ago. So I hope we can put it to rest once and for all today because, Mr. Speaker, Maine people want us to put money into the pockets of the middle class, not take it away. They want us to run government like a business, not like a ponzi scheme, and they want us to respect the will of the voters as reflected in vote after vote, after vote, on similar measures at the ballot box. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Parry.

Representative **PARRY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We've been told by the other side of the aisle that this will be very hard to explain to our voters. I think it will be very easy to explain. I believe it was four years ago when this body took $400 away from poor and middle-income seniors and poor and middle-income working families, and they took the top from $2,000 down to $1,600. So when I go to my neighbor, an elderly couple that live on $1,000 a month, $1,200 a month Social Security and their property taxes are $4,200 and all we're going to do here, if there is a surplus – and I had to look up the word "surplus" to make sure I knew what it meant, because I've heard some descriptions that don't jive too well – this means we're going to be able to take, if there is a surplus, we're going to be able, with this 20 percent, to fully fund the Circuit Breaker program. I don't consider my neighbor, an elderly couple making $1,000 a month, rich.

We do realize too that the top tax bracket in this state that we charge the rich starts at about $20,000 of taxable income. To me, I don't consider $20,000 of taxable income rich. Let's take, for example, this year's budget was about $6 billion. Say for some reason in the next two years the economy booms, we have $1 billion in extra money coming in, so we have $7 billion. We're going to take 20 percent of that and give it back to the taxpayers, first in the form of property tax relief for low and middle-income seniors and working families. We're going to take just that much and drop it down to equal the amount of revenue, which means this year we collect $6 billion.

In the next biennium, we collect $7 billion. We would still be collecting and spending $6.8 billion, roughly. I think the people of Maine may be a little bit upset that we're only giving them back 20 percent of their money. So I think it's a real easy thing, at least in my district. We have very high property taxes. Maybe in some districts you don't and it's not a big effect, but I know it's a scary thing in my area, I wouldn't take it but I believe I would qualify for the Circuit Breaker program because the taxes are so high in southern Maine. So if you think that this is only helping the rich, you need to come talk to my neighbor who is paying $4,200 in property tax and four years ago they were told they shouldn't get $2,000 of it back. We should cut it down to $1,600.

I think it's pretty easy to explain to them what we've done here. We're taking 20 percent of extra money and it's pretty easy to see that one side of the aisle, from the speeches, wants to give a little bit back and the other side of the aisle wants to spend every penny. So no matter how much surplus we have, we want to spend every penny. Thank you, Mr. Speaker.

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

Representative **WEBSTER**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. As you know I serve on the Joint Standing Committee on Appropriations and Financial Affairs, and since I've been here, this is my eighth year, I have worked across the aisle, collaborating to maintain a balanced budget. I've understood that even in such collaboration, there would be differences in what our priorities would be and how we would go about being responsible in balancing the budget and caring about the future of our state. Please don't tell me that this is a responsible proposal.

There was a pastor who spoke the other day, I believe his name was Pastor Kelley, and he quoted from the Old Testament. He said something that made me stop in my tracks. He was talking about a conversation between Solomon and David and their Lord, and I believe it was Solomon who prayed to his Lord and said "Give me the ability to think clearly." He didn't say

"Make me smart." The words that were said were "Give me a wise and understanding heart" and then went on to say "so that I can understand justice." Give me a wise and understanding heart, and so I ask you to think with your heart. Is this really a wise idea? Think about the consequences, not of giving back money to the taxpayers, not the idea of increasing Circuit Breaker, both of which I support, but the idea that there will be a moment, a time in the future, when there will be surpluses and those surpluses will allow this to kick in and the income tax rate will be lowered because of that surplus that's to be given back. Then no matter what happens the following year, no matter what happens the following year that tax rate is locked in at that new lower rate. And so the sky falls, there are floods, who knows what and we have less dollars to work with. So let's think about the consequences of that.

First, let me just say that we may agree or agree to disagree because some believe the role of state government is out of control and that state government can't do it all, and perhaps that's true. This will mean state government will be smaller after that poison pill kicks in. It means that state government will not be able to do it all. Currently, we are uncertain that we can assure that elderly veterans and other elders living in assisted living will be able to continue to live in their homes, because we don't know if we have enough money to fund the PNMIs. Currently, with this current budget, we don't know that we're going to be able to take care of drugs for the elderly, for those elderly veterans and other elders who will be rationing their drugs or not being able to take their drugs, if in fact we do not replace the dollars that are missing from drugs for the elderly.

Currently, we're uncertain how to pay for the current court costs and we do not have enough dollars in for indigent defense fund. Is that not our job? Are those not our jobs to fund those things responsibly and to make certain that in the future we can do those things? Currently, we have a mental health crisis in this state. A family takes their son into the emergency room with a mental health meltdown and they may have to stay there for several days in the emergency room because all of the beds in the psychiatric wards are full, and the reason all the beds in the psychiatric wards are full is because we have cut the community supports and the community supports therefore cannot absorb the people who are ready to come out of the hospitals, who have overcome their crisis. Do we not have a responsibility to help that family with a child in the emergency room, who they have nowhere to turn? We have persons with severe and persistent mental health who live amongst us and the emergency service programs have been cut and we continue to wonder how we're going to pay for those services. Are we not responsible now and what will be the consequences of the cuts if we locked in a lower tax rate without figuring out how to pay the bill?

Our crime lab has come to us and said that they have an enormous backlog of computers that they have to go through because they need to figure out who the predators are, and there are children and infants in bondage and being snuffed in snuff films or being sexually abused on these videos that are on these computers, and they're trying to find out who and where, who has those children and where they are. Do we not have a responsibility to make sure that that crime lab has the dollars it needs in order to go after those perpetrators and to protect those children?

General Assistance, we're currently talking about cutting General Assistance so that the towns and the cities in this state will have to pick up more of the costs and will surely raise property taxes. Individuals with developmental disabilities, we provide services to the most vulnerable children and adults with developmental disabilities, but when they age out of school now and they become too large or too difficult for their parents to take care of, they surely must go into a state program that will protect them and help their parents who are getting elderly and can't handle them anymore. Well, no, they don't go into a program. They're on a waitlist. So we have 978 young adults who have aged out of special education, who need services, who are on a waitlist and those families, many of them, the Class A waitlist, are in crisis but we don't have a place for them because we're not able to afford the money to set up and provide the housing and the staffing through nonprofit organizations. If we are not responsible for the most vulnerable adults with developmental disabilities and able to care for them and protect their families, is that state government that's too large? I don't think so.

Let me tell you briefly about Nancy, the woman who used to go to the church I went to. Her daughter has autism. She was cute when she was 6. She was pretty big when she was 12. By the time she was 16, when she had a behavior episode, she threw her mother across the room. By the time she was 21, she was way too big for either the mother or the father to handle. Are we going to help them or are we going to put them on a waitlist?

You know, when this bill was in front of the committee, some people said that this was going to be for veterans, it was going to help veterans, and you had retired officers who came in and said "We don't need this as much as the enlisted men and women who don't have very big retirements." My family was here today. The North Carolina family is more involved with the military. I was a high number in Vietnam and so I did not serve, but I have a great respect and regard for those family members in North Carolina, Camp Lejeune, and I also have a great respect for the military in general. One of the things that always moved me is, I said, the U.S. soldiers' creed is "I will never leave a fellow comrade. I will not leave a fellow soldier behind," and I think we can learn something from that. I believe, you may recall I submitted an amendment that was defeated last time that said, okay, if you're going to do this, don't lock in the rate after the first year, do it every year. Decide every year whether you actually have the money to give money back or not, or whether we still have bills to pay and people to protect, public safety and public health to take care of. I believe this bill will be leaving people behind. Thank you.

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

Representative **KNIGHT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'm not sure quite where to begin, but I think perhaps with a confession. The confession would be that I, like I suspect many of you in this room, don't always listen to what everyone is saying because some people go on and on, and on, and on. But one of the speakers today spoke very succinctly. She explained a very complex matter of finance and I'm speaking of Representative Chase, who started the discussion, the debate, and I thought in a very articulate fashion laid out this bill before us and put it in simple language, the facts came out, and as I said she was succinct. I don't think she was on her feet more than a minute and a half and she was down. We heard others step up and I have to admit, I appreciate good humor. You know, we've had our comedian speak, we're had people quote the Bible. I mean we've heard, in fact the most recent speaker talked about a bill that isn't even before us. He was talking about the pension bill, but I can see how that can be confusing.

The bill at hand is a very simple concept. Let me try to explain what Representative Chase was saying. This bill comes into effect after, after we have paid all our bills, met all the responsibilities. That would include revenue sharing, the 55 percent piece of education if this body so chooses to pay those

bills. If they don't, then at the end of the year again the cascade comes into play. But this bill doesn't take precedence over any of those other items that are extraordinarily important. I would like to see us at 55 percent with our educational expectations. I would like to see our revenue sharing met because property taxes are extremely important to all of us, especially the folks back home. But this bill doesn't relate to any of that. This bill talks about after we've met our obligations. We have money left over, it goes into the cascade, and I don't know how to explain it differently than Representative Chase explained it. We put 35 percent aside for the rainy day fund – I guess is the common way of expressing it – we have a myriad of little trickle down pieces and we're going to have 20 percent that goes to returning to the people who paid taxes, moneys due them.

I have to comment on the tax brackets. Under the current law that was passed this past year, our top rate, now our top rate, this is where the top marginal rate kicks in for a single individual is $19,750. A head of the household, it's $29,650. A married couple, $39,550. That's wealthy? I don't think so, but that's where our top bracket kicks in. This bill is a jobs bill. This is about getting our rate down to a level that we can attract capital from around this country. We want our elderly to stay in this state. We want our retired military. We want people to open businesses and create jobs in the State of Maine. But when we have a tax rate bordering 8 percent, it's too high.

Another person, in fact he serves on our committee, has commented twice now on this bill. He's been on his feet two or three times and he's commented on this money going to the very wealthy. Well, I've just told you what is defined as wealthy, I guess, and he quoted Maine Revenue Services statistics. Let me tell you, I wrote to Maine Revenue Services today and I received a response. They told me that the Representative who said that those folks in the bottom part of the bracket are only getting $1, he's technically correct, and one reason he is, as Maine Revenue says to me, is that in the bottom 20 percent, they pay little or no income tax. Of course, there is no rebate when they're not paying taxes in the first instance. Those at the top are paying the greatest percentage, so we're returning moneys, everyone wins on this. Two hundred thousand families, 200,000 are eligible for the Circuit Breaker program in this state, the top 1 percent, just over 6,800 families. I don't know. I hear words like ponzi scheme. I'm telling you, I guess people really, really don't understand. I know it's probably not the appropriate thing to do, but I really would love to have Representative Chase stand up again and give her one and a half minute presentation and ask people to listen, because it was not a very complex thing. The subject matter is complex, but she put it in language that was very simplistic and easy to follow. But I don't think half the people in this room listened. Sadly, over half of the people that belong in this room aren't in the room and that, I think, tells another story. This is a simple bill to lower our rate to 4 percent when, and I emphasize when, Mr. Speaker, we have excess revenues. This isn't taking away from the poor folks that were referred to by the good Representative from Freeport. This is after things are taken care of. So I would ask you all to join with me and support this bill to return folks their moneys after we've met the many obligations that we have purported to suggest that are important to the people of this state and we believe in. Thank you very much, Mr. Speaker.

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

Representative **STUCKEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. LD 849 is not good tax policy. It will simply shift responsibility for providing essential public services and the revenues to pay from them from the income tax to the local property tax. I certainly don't think Maine's income tax is very progressive, but it is a heck of a lot more fair and balanced than most municipal property taxes and the state sales tax. Why would we want to pass policy that so disproportionately benefits the wealthiest Mainers while compromising our roads, our schools and our social services' safety net? The problem isn't that 8.5 percent, it isn't too high. The problem is the threshold to get there isn't high enough. 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. I rise in opposition to the motion to Recede and Concur and would like to address, I guess, if I might, the comments raised by Representative Knight referring back to those of the good Representative Chase. I understand that statement. I understand English. I think we all do. But I think the issue is that the clear goal of this bill is not to do this just in one year for one simple surplus, but to lock it in every year for surplus after surplus, if there should be some in the future, which we don't know, until we get to the point where our revenue stream, bringing this, our income tax, down to 4 percent. Our revenue stream will be 20 percent less than it is today.

I think I would like to link, if the proponents of this bill are serious and they think they're really going to get the income tax down to that level without any effect on local property taxes or the services that we provide, I have to say I don't think they're thinking clearly about the impact that this would have. It's not just a simple matter of if we have a surplus because that's going to be if we have a surplus this year, if we have one the next year and the next year, until it drives state revenues down by 20 percent. That's going to have a serious impact on our ability to do a whole lot of things including, I think most seriously, provide aid to the cities and towns, to provide education to the children of our state. In the southern part of the state, we're property rich. We have high property values. We can raise the money for education at a lower rate. But in the rural parts of this state, a place like Patten, for example, I think it's got something like $120,000 worth of real estate for every child that it has to educate. In other towns to the south, like mine, we have something like half a million. When the state takes in money, it does not spend it here in Augusta.

I'd like to respond, if I may too, to my good friend Representative Parry, who talked about we want to spend every penny. My friends, the state does not take in money and then spend it for stuff we want. We spend it back out to the communities for things that all of our people want, education and health care. We are, in fact, more like trustees. We are trustees and we should be good trustees of the public's money. We bring it in and 80¢ of every $1, Mr. Speaker, 80¢ of every $1 goes back out to the communities or to health care, 45¢ or so, roughly, 45 percent of every $1 goes out to support K-12 education in our state. If we reduce our revenue stream in the state by the amount of money that we're talking about in this bill, if the proponents are serious and it's more than just one little surplus in one year, but it's actually going to be something that goes on year after year, after year, until we're down to 4 percent – I think that's the goal, do the numbers – we'll not be able to provide the kind of aid to the cities and towns that we have been providing nor will we be able to provide the kind of health care reimbursements that we have been providing.

I ask you, can local communities provide the kind of aid to nursing homes that we have to provide through our health care system through the state? Can a local community alone with low property tax values provide an adequate education for its

children? We have traditionally and I think effectively said over the years, no, there needs to be a mechanism by which we can make sure that every child in the state has adequate education and that is by having a state tax, which then can be used to equalize educational opportunity around the state, and we have said, no, we're not going to let people get so sick that they cannot get the health care that they need. We're going to provide hospitals with aid. We're going to provide nursing homes with aid. We're going to provide providers with aid. That's what this money goes for. It's, I think, completely inappropriate to suggest that we want to take it in and then we want to spend it as if we were greedy people who went out and spent it on nothing. We spent it on social goods that we, over the many years, have decided need to be supported by the state through statewide programs that ensure the good education of our children and the health and welfare of our people. My friends, this bill puts that in danger and I urge that you do not vote for it. Thank you, Mr. Speaker.

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

Representative **CAREY**: Thank you, Mr. Speaker. I, too, rise in response in thinking about what Representative Chase started off our debate with and I'm not going to spend a lot of time on the insidious effect of this that others have mentioned and the ratchet effect and how that over time is going to decrease aid to towns and the ability to meet 55 percent. I guess the piece that is really concerning to me in this debate and really that Representative Chase pointed out in her conversation is how ephemeral this whole conversation is, that somehow after we're led to think that a future Appropriations Committee is not going to take the time and do the work that this Appropriations Committee has taken the time to do in this Legislature. I have every confidence that this committee is going to come back with a report, whether or not I agree with it, it's going to be worked out and it's going to be debated, often at the early hours of the morning. The exact issues that we're debating here, whether it's more money should be put into tax cuts or more money should be put into making sure that PNMIs are able to continue or whatever the policy issue is, that will be debated then as it should be, and somehow we're led to believe in this bill that that future Appropriations Committee is just going to leave a huge surplus on the table and not going to actually do that debate, it's just going to pack it up early and go home. It beggars the imagination. If Representative Chase or someone like her is on that committee, how is she going to let that surplus not go directly to tax relief, if that's where it should go, or if it should be higher than the 20 percent, if it should be 25? It beggars the imagination.

Listening to this debate and I hope that I share with Representative Knight the hope that Representative Chase can repeat that one and a half minute speech, this reminds me of a middle school exchanging trading cards of, in my day, we called it strat-o-matic. It was very complex and essentially it was baseball players and some kind of very complex formula for how they would arrive at what they might do, and essentially it was based on exactly what was playing out in the season that started then. So instead of actually talking about baseball, we were talking about that as a fantasy, what might happen, what might happen in the future. This player is going to hit 60 home runs this year and I'm going to go and trade this player for that. It's entirely from we're supposed to be here doing the work that the people sent us to do. If we need to cut taxes, let's have that debate here and not joke and send it on and think that maybe in the future the Legislature will do what we're not able to do right now, if we're not able to do it. Thank you, Mr. Speaker.

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

Representative **FLEMINGS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise also in opposition to the motion before us to the passage of LD 849. I share the sentiments of those who have come before me so eloquently expressing concerns about the impacts of this bill. A part of my concern includes my deep disappointment by the process that brought this bill before us today. As you may know, Mr. Speaker, no public hearing and no work session were conducted on the current manifestation of this bill. We know that through the committee process bills are vetted, public input is incorporated and bills are improved. As a member of the Taxation Committee, I am very disappointed that we were not able to work on this bill in a transparent, good faith effort and to allow the public to understand and to weigh in on the proposal that stands before us.

I am deeply concerned about the impacts that this bill will have on the ability for Maine people to choose our destiny, to work through the legislative process each year, to determine priorities based on continually changing circumstances that we cannot foresee today. This bill will reduce Maine people's ability to determine how best to craft our budget to serve the needs of our communities and to promote a prosperous, fair and sustainable future. Mr. Speaker, I encourage the body to carefully consider the impacts of this bill and the lack of public input and to oppose the pending motion before us. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **MacDONALD**: Given that this bill would have the effect of reducing state revenues by about $600 million a year, $604 million I think by the estimate of Maine Revenue Services, what impact does that diminished revenue have on a topic that I don't think we've talked about and that is our ability to borrow money for our roads and for other capital investments as we go forward? My understanding would be that, well, I guess I don't want to make a statement. I'd rather just ask the question, what impact does it have on our ability to borrow money? Thank you very much.

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

Representative **KNIGHT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'll attempt. The premise that was just made is an inaccurate one to begin with. I'm not sure we get to $600 million, if I understood him correctly. There is no $600 million gap. If we had $600 million, most of our problems in the budget would be taken care of. We're talking a lot, lot, lot smaller number. It will have no impact on our budget or our rating services with Moody's or any of the others. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative **WATERHOUSE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I've sat for awhile and listened to the parade of horribles. What's going to happen if this bill passes? This is my 10th year up here and I've very seldom seen the state able to control its spending. Back in the 1980s, the state economist, Laurie Lachance, wrote a book called "Dollars and Sense" and she made the case that during

that period of good economic times revenue came pouring into the state, but we spent it faster than it was pouring in.

When I came up here in the 117th, we had a $300 million surplus. Not only did we spend it all, but we wouldn't even take some of that and use it to fix this beautiful place we have here now or the state prison or AMHI. We created a new agency so we could give them bonding authority, so we could borrow that money and do what we've done to this place here and the state prison and AMHI, so we could take that whole $300 million and spend it on new programs and expanded programs. So when I heard a Representative earlier say fiscal responsibility, I've seen very little around here, very little, and I understand we take the money and return it back to the citizens but that's very paternalistic. If I get a check, a paycheck and I see, oh, I have more income, they're taking less out of it, or should I send it all into the state so they can spend it on the programs as they see fit? This is a policy statement. We're saying, some of us or a lot of us, that the state is too big. We can't be all things to all people. We can't cure the ails of the world.

I heard earlier people talking about if we don't spend their money up here on these programs, it will go back to the local property tax. Well, if that's the rationale, maybe some people want to raise the income tax to 90 percent. Then we can have all this revenue coming in and cover all these different programs and the people back home will be safe. This is a policy statement and all these Armageddon predictions, I have visions of animals going on the ark two by two. But for those who have been up here for awhile, remember the notwithstanding language. This is a statute, it's not a constitutional amendment, so if something happens in the future, future Legislatures decide the priorities. Say we don't want to take a certain percentage of this excess beyond what we're budgeted, revenue coming in, the economy is going great, we've got all kinds of money coming in. We don't want to take a little bit of it and put it in somebody's paycheck. We want to spend it on a very good worthwhile program. The budget committee comes together and says notwithstanding public law, such and such, we're going to take that money. So it's not the end of the world. Jump on board. It's a policy statement and it's about time we made it.

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

Representative **ROTUNDO**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. A question was posed about the impact of this bill's capacity or the impact of this bill on our capacity as a state to borrow money, and I do want to state that fewer dollars in our Budget Stabilization Fund, which benefits from money that flows through the cascade, certainly impacts how the bond houses see our fiscal health and it clearly impacts our bond rating.

I also just want to speak to this notion of a surplus. I would simply say that in a recession, which we have been in, where we're making deep cuts to social service programs and education that hardworking families in Maine need, we really have no surplus and we might have a little money left over when we're done budgeting, but it's clearly not a surplus as people would normally think of that. Thank you, Mr. Speaker.

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

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House…

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Cushing and asks for what purpose the Representative rises.

Representative **CUSHING**: Thank you. Has the Chair granted permission for the member to speak a third time on this issue?

On **POINT OF ORDER,** Representative CUSHING of Hampden asked the Chair if Representative BERRY of Bowdoinham had already spoken twice on the pending motion.

Representative **BERRY**: Mr. Speaker, I spoke once and also answered a question.

The SPEAKER: The Chair would answer that the Representative from Bowdoinham has spoken once. His second time he rose was to answer a question. The Representative may proceed.

The Chair advised Representative BERRY of Bowdoinham that he may proceed.

Representative **BERRY**: Thank you again, Mr. Speaker. Mr. Speaker, Men and Women of the House. We are entitled to our opinions and that's why we have a democracy, but we are not entitled to our facts and so I rise a second time because I do need to correct the record on a couple of facts.

With respect to Circuit Breaker, as amended, this bill does not put one penny towards the Circuit Breaker. This amendment that was added in the other body only provides that the ratchet is delayed until the Circuit Breaker is fully funded.

The SPEAKER: The Chair recognizes the Representative from Livermore Falls, Representative Knight and asks why the Representative rises.

Representative **KNIGHT**: Is the current speaker speaking to you or to us?

On **POINT OF ORDER,** Representative KNIGHT of Livermore Falls asked the Chair to remind Representative BERRY of Bowdoinham to address the Speaker and not turn to the rest of the House.

The SPEAKER: The Chair would remind members to address their comments to the Chair.

The Chair reminded Representative BERRY of Bowdoinham to address his comments toward the Speaker.

The SPEAKER: The Representative may continue.

Representative **BERRY**: Thank you, Mr. Speaker, and I will continue to address my remarks to you. The Circuit Breaker is not funded one iota from this bill as amended, not a penny goes towards the Circuit Breaker but the ratchet is delayed. The money continues to accumulate in the fund and so instead of going down three small steps, we go down one large step. The delay in the ratchet is all that is accomplished, but once Circuit Breaker is funded the ratchet takes place and goes exactly to where it would have gone otherwise. Not a penny goes to the Circuit Breaker. We had the opportunity in this Legislature to fully fund Circuit Breaker and we chose not to do that.

Another fact: $600 million is what in today's dollars we would lose if this bill were fully in effect and if the income tax target were met. I didn't make that up. That comes from Maine Revenue Services and it comes from the Fiscal Office, from our nonpartisan staff and from the staff of the Chief Executive. Both of them agree on that figure. That is one-fifth of our current General Fund and because it would require the cuts to federal matching funds, it could easily be a third to a half of the state budget.

Fact: The tax fairness figures that I cited earlier come from Maine Revenue Services, and, Mr. Speaker, I would be happy to entertain a Tabling motion from the majority so that I can share those figures and show you the spreadsheet that I was given by the Chief Executive's staff and Maine Revenue Services – $1 to the minimum wage parents, $21,638 to those making an average of three quarters of a million dollars. I could go on about tax fairness, but I will spare you that.

Fact, another fact: We had three chances to amend that bill, to fix the ratchet problem and ensure that it actually did accomplish what the good Representative from Wells described, that the surplus and only the surplus would provide the funding for the tax reduction. The Representative from Freeport gave us that opportunity. We had another…

The SPEAKER: The Chair would remind the member that we are discussing the Recede and Concur motion, that we're not here to discuss amendments that may have been introduced in the past.

The Chair reminded Representative BERRY of Bowdoinham to stay as close as possible to the pending question.

Representative **BERRY**: Thank you, Mr. Speaker. I appreciate that. The tax fairness has not been changed; the fiscal responsibility has not been changed. This remains the same bill and the 55 percent opportunity that came our way has also been forgotten. Enough about facts.

The best opinion that I have heard today expressed about this bill is that we should go ahead and do it because we can change it later. Mr. Speaker, I would suggest that if we're acting today because we think that a future Legislature can fix it, if we haven't really thought this through, then perhaps we should choose not to act because discretion is often the better part of valor.

And one last opinion, it is the opinion of an increasing number of economists that the way to create jobs is to ensure that there is money in the pockets of the middle class and by shifting the tax burden even more to our schools and our property taxpayers, we are taking money directly out of the pockets of the middle class and we are providing almost nothing in return. Thank you, Mr. Speaker.

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

Representative **HARMON**: Thank you, Mr. Speaker. Driving in today I got a phone call from one of my constituents and it was a pretty lengthy conversation, about 25 minutes. I had to hang up and say "Bye" while I dropped my kids off from school. It was all related to LD 849. He's a small business owner, small oil dealer; he serves about four or five towns and also owns a small beef farm. He said, "Ryan, I know if a customer paid me in excess, do you expect me to keep that excess or should I be returning that to you, either in form of a credit or in form of a check?" He said, "That's the difference between you politicians up there and the way we small business guys have to earn our money and be faithful to people." He said, "That's our money that you're spending up there." Not once have I heard anybody today talk about constituents back home. I've heard about programs, funding this program, we're going to miss this program, etcetera, etcetera. I've heard talk about not fully funding education. Well, we haven't done that in years past when we did have some excess revenue. How is it going to happen now? I would tell you this, that I think people know how to spend more of their money than we know how to spend it up here. Because I'm afraid even if we did say, this money, you know what, let's spend it on education, I have a feeling it would never get there somehow. You know, I think the Legislature needs to keep that in mind.

Between all of that he said, "You have a responsibility, Ryan. This is why you got elected, to make sure that revenue is spent wisely and if you have excess revenue, to give it back to us." He said, "You know what, Ryan?" He said, "I'm also very disappointed that you didn't pass the bill as it was last time, 40 percent," because I had emailed him back and forth before about the three priorities before it even got to the cascade fund. Even then, he said "You're only going to give us 40 percent of my money that I gave to the state for income tax or sales tax?" And yes, he was an income taxpayer, and yes, he has to pay sales tax as we all do. So, you know, you've got to really understand where the constituents are, Mr. Speaker, and I was glad I got that phone call. It kept me in check. I hope it keeps others in check. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Belgrade, Representative Keschl.

Representative **KESCHL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As I understand it, all that this bill does is to allow after the Legislature funds all of the important things that it wants to fund, indeed must fund, it meets all of its obligations is to then allow a small portion of the surplus available to be sent back to the people. However, based on the concerns that I've heard expressed this afternoon, I can only say that I doubt that this Legislature will ever have any surplus money. It will spend it all. But if there is, I ask you, what is wrong with sending a small portion of that surplus back to the people? Thank you.

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

Representative **LOVEJOY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in part because of the issue of education. There is statute, there is law on the books we're supposed to pay 55 percent. We choose not to. Do you want to take and give some local folks a tax break, fund education fully so that they don't have to do it on a local property tax, which is more regressive than any income tax? So you have an opportunity to take and change that, but you can't do it if you do this law. You can't ratchet it down. I've spoken with folks in my community and I've spoken with folks who came in on school funding from upstate that pay a mill rate that's close to half of what we pay in my community, and yet they get more funding from the state. We all need to be aware education is the future of this state and yet we continually fail to find the resolve to fund it according to what's on the books already. When we get there, when we fully fund that, when we take care of the people in the state, I'll vote for any tax decrease you want. But until we meet that 55 percent, until we meet our obligations to other people that are much more needy than any of us, then I would sincerely recommend that you turn this down. Thank you.

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

Representative **PEOPLES**: Thank you, Mr. Speaker. I will be brief. Mr. Speaker, Ladies and Gentlemen of the House. This is indeed a tax policy question and for me it comes down to a very simple calculus. We have decided in the past that it was not good tax policy to deal with taxes on autopilot and I agree with that. Tax policies on autopilot take the responsibility from each Legislature to make the tough decisions. The difficulty I have with this is it is once again tax policy on autopilot and if we agree that that's bad policy, then I don't see how we can support this. Thank you.

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

Representative **KUMIEGA**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. The good Representative from Belgrade, Representative Keschl just asked what's wrong with returning surplus to the taxpayer, some of the surplus to the taxpayers. There is nothing wrong with that. That's not what this bill does. It uses that surplus to reduce revenues for subsequent years. If this bill simply returns the surplus at the end of the year to taxpayers, I'd support it. Thank you, Mr. Speaker.

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

ROLL CALL NO. 300

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

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

ABSENT - Celli, Dion, Kent, Stevens, Strang Burgess.

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

74 having voted in the affirmative and 71 voted in the negative, 1 vacancy with 5 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

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

HOUSE DIVIDED REPORT - Majority (9) **Ought to Pass pursuant to Public Law 2009, chapter 467, section 16** - Minority (3) **Ought to Pass as Amended by Committee Amendment "A" (H-866) pursuant to Public Law 2009, chapter 467, section 16** - Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Revise the Target Prices for the Dairy Stabilization Program" (EMERGENCY)

(H.P. 1409) (L.D. 1905)

TABLED - April 3, 2012 (Till Later Today) by Representative EDGECOMB of Caribou.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

On motion of Representative EDGECOMB of Caribou, the Majority **Ought to Pass pursuant to Public Law 2009, chapter 467, section 16** 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**.

Representative TIMBERLAKE of Turner **PRESENTED House Amendment "B" (H-911)**, which was **READ** by the Clerk and **ADOPTED**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "B" (H-911)** and sent for concurrence.

SENATE PAPERS

The following Joint Order: (S.P. 682)

ORDERED, the House concurring, that when the Senate adjourn they do so until Monday, April 9, 2012, at 10:00 in the morning.

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

READ and **PASSED** in concurrence.

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

On motion of Representative WINSOR of Norway, the House adjourned at 5:40 p.m., until 10:00 a.m., Friday, April 6, 2012.