

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Legislative Record
House of Representatives
One Hundred and Twenty-Fifth Legislature
State of Maine

Daily Edition

First Regular Session

December 1, 2010 – June 29, 2011

pages 1 - 1067

Resolve, Directing the Department of Environmental Protection To Amend Its Rules Regarding Snow Dumps

(H.P. 266) (L.D. 333)

(C. "A" H-156)

Bill "An Act To Reduce Noise Pollution by Requiring Mufflers on Motorcycles"

(H.P. 370) (L.D. 477)

(C. "A" H-144)

Bill "An Act To Update the Radon Registration Act"

(H.P. 461) (L.D. 631)

(C. "A" H-143)

Bill "An Act To Add a Member to the Advisory Council on Health Systems Development"

(H.P. 564) (L.D. 757)

(C. "A" H-140)

Bill "An Act To Decrease the Tax Burden on Maine's Seniors"

(H.P. 601) (L.D. 805)

(C. "A" H-165)

Bill "An Act To Amend the Law Concerning Overboard Discharge Systems" (EMERGENCY)

(H.P. 758) (L.D. 1022)

(C. "A" H-151)

Bill "An Act To Conform Business Expense Deductions to Federal Law"

(H.P. 843) (L.D. 1137)

(C. "A" H-155)

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

Bill "An Act To Modify Rating Practices for Individual and Small Group Health Plans and To Encourage Value-based Purchasing of Health Care Services"

(H.P. 979) (L.D. 1333)

(C. "A" H-186)

Was reported by the Committee on **Bills in the Second Reading** and **READ** the second time.

On motion of Representative CAIN of Orono, was **SET ASIDE**.

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. We have established a theme this session that I am personally very proud of and I believe in it. The best work we do, we do together, and by that standard LD 1333 is not our best work.

We have shown that we can work together at the committee level, when given time and space to do so, to supplemental budgets, regulatory reform, even vernal pools, Mr. Speaker, so why not this? On a bill that dramatically changes the insurance markets in Maine, it repeals the State Health Plan, repeals the Advisory Council on Health Systems Development, that something that just today on the calendar we added a member to.

This is a rushed expansion of our rating bands that will lead to increased rates in Maine. The surcharges or taxes of \$4 on all health insurance policies is new for Maine and fewer choices and higher rates for rural Mainers and businesses will be the result.

In fact, one of my caucus members stopped me on the way to session this morning and said "Emily, if rates in southern Maine will be so much lower than northern and Downeast Maine, won't all the businesses just move to southern Maine?" That is bad for our great state, but it is not too late to go back and work together, Mr. Speaker. Democrats have offered compromise proposals

and continue to stand ready to work together on LD 1333.

So let me say it again: the best work we do, we do together, and LD 1333 is not our best work. Maine people expect more. Please join me in voting red on this motion and opposing this bill. Mr. Speaker, I ask for a roll call.

Representative CAIN of Orono **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (H-186)**.

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

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

Representative CHIPMAN: Mr. Speaker, I have lived in Maine my whole life. Growing up I have learned several important life lessons such as early to bed, early to rise; a penny saved is a penny earned; and two wrongs don't make a right.

Last Thursday when we were debating LD 1333, I heard members of one particular party talk about when the other party was in the majority, they also brought forward lengthy amendments to bills at the last minute and forced a vote before anyone had time to read it and without giving the public a chance to weigh in.

As the only Independent member of this body, I don't care what party is in the majority. Bringing forward a lengthy amendment at the last minute and forcing a vote with no time to read and understand a bill is wrong. Two wrongs don't make a right. And, Mr. Speaker, I voted no last Thursday and I will vote no again today. 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. I just stopped in to see what condition my condition was in. This beltline is not a preexisting condition and I have the photographic evidence to prove it.

Two days ago, the *Bangor Daily News* released the demographics of the State of Maine from the last census. We are at 42.3 years of median age. Lincoln and Piscataquis Counties are over 48. Let me give you a little historical context of that. The Soviet Union and Germany, after the Second World War, did not face these demographics. Children under 20 years of age dropped by 7 percent; those under 40, between 20 and 40, dropped by 8 percent.

This bill seeks to set free a suffering youth that we have chained to our bad health decisions. Ezekiel said three thousand years ago that the sins of the father, the son should not be made responsible for the sins of the father. The youth of this country should not be made responsible for our bad decisions, but the current format means that they are. This bill seeks to change this. If Churchill was alive today, he may well have said never have so many strapped so few with an unimaginable guilt in their name.

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Engrossed as Amended by Committee Amendment "A" (H-186). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 31

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

Parker, Parry, Picchiotti, Plummer, Prescott, Richardson D, Richardson W, Rioux, Rosen, Sanderson, Sarty, Sirocki, Strang Burgess, Tilton, Timberlake, Turner, Volk, Waterhouse, Weaver, Willette A, Willette M, Winsor, Wintle, Wood, Mr. Speaker.

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

ABSENT - Bolduc, Dill C, Kaenrath, Nelson.

Yes, 79; No, 68; Absent, 4; Excused, 0.

79 having voted in the affirmative and 68 voted in the negative, with 4 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-186)** and sent for concurrence.

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

ENACTORS

Emergency Measure

An Act To Qualify the Port of Eastport as Tax Exempt for Purpose of Bonding

(H.P. 440) (L.D. 557)

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. 139 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Create the Anson and Madison Water District

(H.P. 657) (L.D. 890)

(C. "A" H-116)

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

Emergency Measure

An Act To Establish a Pilot Physical Education Project in Four Maine Schools

(H.P. 939) (L.D. 1280)

(C. "A" H-125)

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. 132 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, To Ensure That Maine Teachers and Paraprofessionals Who Work with Children with Autism Spectrum Disorders Are Appropriately and Adequately Prepared

(H.P. 546) (L.D. 715)

(C. "A" H-115)

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

Acts

An Act Establishing a Vietnam War Remembrance Day

(H.P. 12) (L.D. 20)

(H. "D" H-104 to C. "A" H-29)

An Act To Allow Treasurers To Process Tax Lien Discharge and Sanitary District Sewer Lien Documents Using Facsimile Signatures

(H.P. 241) (L.D. 297)

An Act To Require the Inclusion of a Financial Statement on School Administrative Unit Bond Obligations When Voting on a School Construction Project

(H.P. 275) (L.D. 349)

(C. "A" H-124)

An Act To Exempt from Income Tax the Income of Nonresidents Working in Maine Pursuant to an Interlocal Agreement

(S.P. 137) (L.D. 433)

(H. "A" H-131 to C. "A" S-20)

An Act Concerning Policy Objectives of the Public Utilities Commission

(H.P. 356) (L.D. 463)

(C. "A" H-121)

An Act To Change the Frequency of Alcoholic Beverage Tastings Allowed in a 12-month Period

(H.P. 411) (L.D. 528)

(C. "A" H-118)

An Act To Clarify the Use of Tax Increment Financing Funds for Recreational Development

(H.P. 416) (L.D. 533)

An Act To Update Department of Defense, Veterans and Emergency Management Laws

(H.P. 463) (L.D. 633)

(C. "A" H-120)

An Act To Amend the Charter of the Anson Water District

(H.P. 754) (L.D. 1018)

(C. "A" H-117)

An Act Relating to Qualified Financial Contracts by Domestic Insurers

(H.P. 938) (L.D. 1279)

(H. "A" H-128)

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

Resolves

Resolve, Directing the Department of Public Safety, Division of Liquor Licensing and Compliance To Amend Its Rules Governing the Return of Spirits by Consumers

(H.P. 397) (L.D. 504)

(C. "A" H-119)