ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
FIRST REGULAR SESSION
64th Legislative Day
Tuesday, June 28, 2011

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

Prayer by Reverend Peter Sheff, Abundant Grace Church, Searsmont.

National Anthem by Gary Crocker, West Gardiner.

Pledge of Allegiance.

Doctor of the day, Kenneth Christian, M.D., Holden.

The Journal of Thursday, June 16, 2011 was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Allow Alternative Delivery Methods for Locally Funded School Construction Projects"

(H.P. 413) (L.D. 530)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-613) in the House on June 14, 2011.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-613) AS AMENDED BY SENATE AMENDMENT "A" (S-325)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Legalize the Sale, Possession and Use of Fireworks" (EMERGENCY)

(H.P. 71) (L.D. 83)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-582) in the House on June 15, 2011.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-582) AS AMENDED BY SENATE AMENDMENT "A" (S-326)** thereto in **NON-CONCURRENCE**.

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

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

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the members of the Scarborough High School Red Storm Boys Lacrosse Team, on the occasion of its winning the 2011 Class A State Championship: captains Mark Pearson, Will Lynch, Charlie Doe, Nate Hopkins and Peter Moore; players Nathan Provencer, Tim Smith, Dylan Price, Doug Pitts, Brett Leighton, Drew Harvey, Mike Kelley, Kevin Pitts, Ryan Pallotta, Jonathan Blaisdell, Logan Mars, Garrett Hazelwood, Andrew Jones, Nick Mercer, Luke Erwin, Kellen Smith, Jeffrey Oddy, Erik Anson, John Wheeler, Jurien Garrison, David Pearson, Mitch Summerson, Dalton Finley, Scott Kostovick and Austin Doody; head coach Joe Hezlep; assistant coaches Zach Barrett and Jonathan Dubois; athletic director Mike Legage; and athletic trainer Joe Davis. This is the school's 4th State Class A Lacrosse Championship in 6 seasons. We congratulate all members of the team on this achievement and send them our best wishes;

(HLS 638)

Presented by Representative VOLK of Scarborough.

Cosponsored by Senator DILL of Cumberland, Senator BARTLETT of Cumberland, Representative SIROCKI of Scarborough.

On **OBJECTION** of Representative VOLK of Scarborough, was **REMOVED** from the Special Sentiment Calendar.

READ and **PASSED** and sent for concurrence.

Recognizing:

Michael Townsend, of Hampden, a student at Reeds Brook Middle School, who is the recipient of the Secretary of State's Eighth Grade Citizenship Award. This award is given to honor outstanding eighth-grade students chosen for their civic awareness, scholastic achievement and community service. Michael received this award for his volunteer service with civic organizations and fund-raising activities for those with mental disabilities and other health challenges. In school, he served twice as student council president, has been part of the civil rights team and helped support a staff member serving in Afghanistan and another battling cancer, all while maintaining an excellent academic record and participating in 3 sports. We extend our congratulations and best wishes to Michael on his receiving this honor;

(HLS 647)

Presented by Representative CUSHING of Hampden.

Cosponsored by Senator PLOWMAN of Penobscot.

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. Many of you had the privilege I did this spring to go to Eighth Grade Citizenship Award presentations around the state. As you may know, the 2011 Secretary of State's Citizenship Award recognizes an eighth grade student who demonstrates the qualities of active participation in community activities, good scholarship and school involvement.

The person who best exemplifies these characteristics at Reeds Brook Middle School is someone who has been very active in his community. For example, the last three years this individual has volunteered to help cook and serve breakfast on Veteran's Day in Brewer for the local Rotary. As one person described his contribution to the breakfasts, "He does everything, from flipping pancakes to serving the guests. He was even there for the cleanup." On another occasion, this student took the time to help organize a pond hockey tournament on Lucerne Lake, the proceeds of which went to help mentally disabled individuals. On another occasion, he exhibited this example by helping in his community raising awareness and money by providing and organizing a benefit walk about a medical condition that most people have never heard of. Because of his charisma and sincerity, he raised hundreds of dollars for the cause as well as educating many people.

Being active in school affairs is not something this student

has shied away from. As quoted from one of his Student Council advisors, "He has been one of the most effective and admired Presidents of the Student Council and the only two-term President that we have ever had. He is an honest, hard working, conscientious member who has taken on difficult assignments with enthusiasm and vigor. He is the voice of the Council and a true spokesperson for the well-being of the student body." Besides being elected to Student Council for three years by his peers, this person has been an active member of SWAT, which is a student driven wellness club. Another school activity that he has helped is the Civil Rights Team. This team helps promote the idea that all students be treated with fairness and respect. Fundraisers at school that he has generously donated his time and money to include the Haiti Earthquake Disaster, the Angel Tree Project, and has supported a custodian who was serving in Afghanistan and another custodian needing cancer treatment. According to his mother he has always had a big heart and treats everyone the way he'd like to be treated. He has become a great role model for everyone here at Reeds Brook.

Having an interest in sports and wanting to be part of a team, this student helped Reeds Brook have a winning football season. He has been described as a tough, hard hitting team player. Being an organized person, he has also managed several basketball and baseball teams while at Reeds Brook, again all because of his dedication to not only be involved, but to make a difference to the people around him.

This leader has become so well known for his willingness to serve his community and he is also a student scholar. In the past year he has earned all A's with the exception of one B. When his teachers are asked about his classroom performance and behavior, they all reply with words like "hard-working," "respectful," "polite," "capable," and "smart."

Now that we know so much about this individual it is my pleasure to recognize him. His name is Michael Townsend. He is the recipient of this year's Secretary of State Citizenship Award and I'm very pleased that he was able to join us today as a House page. Thank you, Mr. Speaker.

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

Recognizing:

the Waterville Senior High School baseball team, on its winning the 2011 Class B State Championship. This is the school's second year in a row that the baseball team has won the State Championship. We send our congratulations to the members of the team and send them our best wishes;

(HLS 648)

Presented by Representative BECK of Waterville.

Cosponsored by Senator MARTIN of Kennebec, Representative LONGSTAFF of Waterville.

On **OBJECTION** of Representative CAIN of Orono, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Beck.

Representative **BECK**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise briefly simply to again congratulate the 2011 State Championship Waterville Purple Panthers Baseball Team. Mr. Speaker, this is their second win in two years and just a few minutes ago the Executive graciously met with the team in the Cabinet Room and he made a promise that if they return next year as state champions, which I believe they can, there will be lunch and baseball at the Blaine House. So, Mr. Speaker, on behalf of the people of Waterville and Representative Longstaff, I simply again wanted to recognize and congratulate this outstanding team.

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, June 16, 2011, 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 (8) **Ought to Pass as Amended by Committee Amendment "A" (H-647)** - Minority (5) **Ought to Pass as Amended by Committee Amendment "B" (H-648)** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Make Certain Prescription Drug Disclosure Laws Consistent with Federal Law"

(H.P. 530) (L.D. 719)

PENDING - **ACCEPTANCE OF EITHER REPORT**.

Representative STRANG BURGESS of Cumberland moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Strang Burgess.

Representative **STRANG BURGESS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Thank you so much for coming back so we can do these bills. I apologize that you all have received – and some of you are much more organized than others and still have your papers – for cluttering up your desks once again, but this is a very important subject matter. I'd like to just walk you briefly through what this bill does and what this bill doesn't do.

First of all, this bill addresses three separate areas. One of those areas is in the physician payment area, also sometimes called marketing. Starting on January 1, 2012, manufacturers must record all transfers of value to physicians and other covered recipients. This information is going to be handled on a national basis and both the Majority and the Minority Report are in agreement that the state no longer needs to continue this function.

The second part of this bill involves clinical trials. When this law was created it was to track and be involved with clinical trials with the national database. This now will be handled as a national federal law and it will preempt any state clinical trial registry and therefore a database requirement. Both the Majority and the Minority Report are in agreement that the state no longer needs to participate in this report.

Where the Majority and the Minority Report do differ has to do with the third part, which you will hear most of the conversation focused on this morning, and it has to do with the price disclosure. Maine and Vermont are the only states in the country that require the price disclosure statute. CMS, which is the Center for Medicare and Medicaid Services, will begin disclosing the average manufacturer price, also called the AMP, when it finalizes the regulations at the end of 2011. So by the beginning of next year, every state in the country will have the same information. The existing price reporting statute therefore is not necessary for Maine's ability to negotiate rebates. Rebates are established by federal law based on the average manufacturer's price, which will be obviously available to Maine as it is to all the rest of the country, and supplemental rebates are negotiated on percentage amounts beyond that. The Federal Trade Commission, charged with enforcing the nation's competitive laws, have said on numerous occasions that seemingly benign

requirements requiring the publication of prices, rebates, discounts, and other proprietary business arrangements inevitably have led to an increase in the cost of health care and health care products. The FTC has also noted that reporting of price concessions is to lessen the interest of health care providers and investing in the negotiation of these concessions and that higher prices are likely to be the result.

You also have received a number of letters from folks in the biotech field. The biotech field is very excited and can't wait to come and even do more business than they already are in the State of Maine. The New England Biotech Association said passage of LD 719 is critical to fostering more attractive business environment in Maine for the biotechnology and health care industries. These current laws should also be repealed because they are redundant due to the new federal health care laws passed in 2010 and 2007 that already mandate similar information disclosures. With repeal, consumers will still be able to access information about relationships between Maine health providers and the bio pharmaceutical companies about ongoing and completed drug trials. We heard from the biotechnology industry organization. Simply put, LD 719 would make commendable changes to several laws that have become burdensome compliance obligations currently in place. Passage of LD 719 would not only decrease the barriers for entry for biotech businesses in Maine, but would also at the same time open the door to the development of new high skill, high wage jobs for Maine residents. The 224 bioscience establishments in Maine have an overall employment impact already in excess of 17,000 jobs. All of these jobs are high skill, high wage and we hope that the state will continue to do everything that we have in our control to grow these statistics.

You also have a copy of an editorial that ran in the *Bangor Daily News*. It was written by Karin Gregory, who is the president of the Bioscience Association of Maine, and Paul Pescatello is the chairman of the New England Biotech Association. Basically they said repealing the Maine laws that are redundant will inhibit investment in Maine, that sends a broad message that Maine is now open for business. Why act now? Maine has a chance to be a national leader once again. We are one of the few states to adopt the marketing disclosure law and we remain the only state to have adopted the state-specific clinical trial disclosure law. The federal regulations concerning both the marketing and the clinical trials disclosure will be completed and have been, and we are all in agreement on that. However, now that the Federal Government has followed Maine's lead, we can be the first state to recognize that these laws are now not necessary and let biotech and pharmaceutical companies know that they can and should do business in Maine.

Currently the State of Maine collects this information on a quarterly basis; however, it hasn't been collected on a regular basis. The new system will collect it on an annual basis as because that's what most of the contracts for drug pricings are done, on an annual, in fact some of them are even less frequent than that. So, clearly, quarterly is not necessary. This price, which is set and published and will be known on a national basis, is what sets the price disclosure. So there is absolutely no reason to believe that this bill and its passage will cost the State of Maine precious dollars in the area of drug pricing. This is an example of once again where Maine is left sort of out there in being one, or in this particular case two, of only in the country to have this law.

I urge all of you folks in the House today, Ladies and Gentlemen of the House, for your support of the Majority Ought to Pass as Amended and to change, pullback on this law and allow our new national laws to do what they do best, which is level the playing field from state to state. It is very difficult when one or two states make the playing field unlevel and thereby businesses will choose not to come here. We need to level the playing field, people have put all sorts of bells and whistles and double checks on this information, and that's how it's negotiated out there. So I hope you will support in a positive the Majority Ought to Pass Report. Thank you very much.

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

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

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Sanborn.

Representative **SANBORN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The policies being repealed in LD 719 promote transparency in the prescription drug industry, which helps improve health care quality and reduced costs in Maine. The Majority Report repeals all of the transparency that was in law. It strikes the reporting of marketing costs, it strikes drug price reporting and strikes the disclosure of clinical trials by manufacturers and labelers of prescription drugs. It also reduces the fee per manufacturer that supports academic detailing. In contrast, the Minority Report keeps the requirement to disclose base prices of drugs and make sure that the prices given are certified. Maine needs to be able to certify the price of drugs in order to negotiate prescription drug rebates, and more importantly, to know that the full rebate is ultimately passed to the consumer. The National Association of Medicaid Directors wrote a white paper one year ago. The Medicaid Directors emphasized the critical importantance of basing Medicaid prices on pricing data that is independently collected by states, so that they may audit and prevent gaming of the system. The Minority Report requires that the Department of Health and Human Resources post website links to clinical trial information and retains provisions regarding penalties in rulemaking.

Why is this needed? Well, some of you might remember the Vioxx scandal. This is where the drug maker MERCK was fully aware of the health risks associated with anti-inflammatory drugs as early as March 2000. The drug company withheld and buried the negative evidence regarding serious health risks in heart patients, including stroke, heart attack and death. The FDA has estimated that Vioxx has led to more than 27,000 deaths. Maine's registry requires negative trials to be included and they continue to be important. My conscience has a hard time allowing me to risk people's lives in order to attract biotech firms to Maine. That said I want biotech jobs here in Maine. I want a well educated workforce that attracts this industry. But what does it say about an industry that doesn't want to come to a state that is more likely to catch fraud or wants to understand the full clinical trial results? It says to me, perhaps they have something to hide. The Minority Report also eliminates the need for manufacturers to report the marketing costs. Both the Majority and Minority Report are allowing that reporting to stop. However, here is some interesting information we learned from a 2008 marketing report. In 2008, drug companies spent $90 million in Maine on drug advertising and marketing with gifts to health care practitioners – $90 million. Currently, a mere $1,000 per year is collected from drug manufacturers to support the academic detailing program in Maine. The Majority Report cuts that amount in half. The academic detailing program is a great program run by the Maine Medical Association that provides prescribers with unbiased, up-to-date information on what drugs work best, are safest and most cost-effective. This is not the time

to cut the program which reduces the use of clinically inappropriate high cost drugs that can have serious health-impairing side effects. Ninety million dollars spent on advertising and marketing in one year in Maine, $1.5 billion in drug sales in 2009 in Maine, and they cannot afford $1,000 per year for our academic detailing program? Give me a break. Now I understand that some argue that the full $1,000 was not used, but I am strongly in favor of the program being fully utilized in the future. A bargain of such value is tremendously hard to come by. You will also hear that there is no need to duplicate measures that are coming in federal law. Indeed, the Affordable Care Act in its infinite wisdom has seen the value of gift and marketing recording disclosure and included this in the law. We, that is the State of Maine, are currently suing the feds about the ACA, are we not? Now we are to trust that pharmaceutical manufacturers will conform to the federal law in the Affordable Care Act not set to begin for another one to two years. I would suggest that we keep the transparency that exists in current law for now until the ACA kicks in. Please support the Minority Report with price disclosures, a web link to clinical trials and the full $1,000 support for our academic detailing program. In good conscience, vote against the pending motion on the floor. Thank you.

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. I rise to oppose the pending motion so that we can go on to support the much more measured and thoughtful Minority Report, which will save taxpayer dollars, prevent fraud in the MaineCare program, and help preserve the most comprehensive prescription drug coverage for the most people. I think after going through a budget process where we counted every penny and cut many, many programs and really came to the brink of cutting very, very important prescription drug programs for our senior citizens, in particular, that we would be ever so careful about passing legislation that would make it more likely that we won't be able to continue those programs in the future because we are going to be facing additional cases of fraud and misreporting of prescription drug prices.

As the Representative from Gorham, Representative Sanborn, has pointed out, the vast majority of the issues that whether it's biotech or anyone else passing around these handouts, the vast majority of those issues are not dealt with inappropriately in the Minority Report. Both reports are the same with regard to repealing duplicative reporting. I think that we could take a page from the book of the LD 1 committee, which came out with a unanimous report that focused on repealing those things that truly are duplicative regulation that don't accomplish anything but continued those things that made sense.

I'd like to specifically talk about the price reporting provision. I think that if you look at the fiscal note of the Majority Report, it tells it all, and I read from that fiscal note which is attached to the amendment, which is amendment (H-647) if you care to read along with me. It says "The bill as amended would make changes to existing Maine prescription drug disclosure laws that the Department of Health and Human Services believes have helped it offset federal reductions in drug rebates for the MaineCare and other prescription drug programs. Eliminating these provisions could result in a reduction of these rebates and a net increase in program costs…" Unfortunately, it then goes on to say "the exact amount of which cannot be determined at this time." I guess leaving the Appropriations Committee to exempt this from the Appropriations Table regardless of what it might do.

Well, why is that the case? Right now we have a law and it is a law that is also in place in Vermont and is also in place in Texas by the means of a rule which requires the drug companies to independently report to us and at the same time certify, and they are subject to perjury if they lie on this, that the reporting of prices of these drugs is accurate. Because we get accurate reporting, that's one of the main reasons that we have the best recovery in rebates from those drug companies almost anywhere in the country. We get back 50 percent of what we spend on prescription drugs in the MaineCare program. We get 50 percent of that cost back in the form of rebates.

Now I have passed out a handout, it's on a green paper and it's the one with the scratchy writing on the top and two pie charts. It's from a recent report that has the title "Rapidly Increasing Criminal and Civil Monetary Penalties Against the Pharmaceutical Industry, 1991 to 2010." What it shows is and I will just read a paragraph from that: "On the state level, the most common violation was the overcharging of government health programs such as Medicaid. Since the first case was settled in 2005, state settlements involving this violation have accounted for two-thirds or 66 percent of the cases and almost half, 47 percent, of all financial penalties." Because Maine has this independent reporting law, we have the enforcement tools to be able to ensure that these multiple cases and if you look up on that pie chart you will see that overcharging programs accounted for 2,316 of the violations, and then there were probably quite a few of them in the other category, multiple violation, which was 7,212. So we have independent information.

Now let me address the point that was made by the chair of the committee, Representative Strang Burgess from Falmouth, saying that, well, this is duplication because the Federal Government is going to be reporting on this, so we don't need to. As has been pointed out, that's part of the Affordable Care Act which we don't know what the final outcome will be of that Act. But the bottom line is the Federal Government has not put together this database yet. The database the Federal Government is putting together in on an entirely different pricing piece of information and it is not a piece of information that we're currently using in our rebate program. The State of Maine has not changed its laws to adopt a different form of pricing that we should be doing in the future with this new information, and it seems really shortsighted to be getting rid of a check that we have right now on fraud in the State of Maine in the hopes that a future database and future laws will be enacted that will address the issue, which we don't have control over because it's being done at the federal level. Why not take a more measured approach, keep in place those things that work for us today and when they are out of date and we have an alternative, move over to that new system? That just makes common sense to me and I think with the majority of the members of this body running for office claiming that they were fighting fraud, working to prevent it, we ought to be doing the same when we're actually voting. I urge that you vote against the pending motion so we can go on to retain what is good and what is not duplicated in current law. Thank you.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Celli.

Representative **CELLI**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. If you want to make an argument to vote against this, do it for the right reasons, not the wrong reasons. We keep saying that the pharmaceutical industry, they are bad in everything they do, and here they are overcharging the state governments. Well, if we're going to do that, then we better start talking about the Maine hospitals and doctors too that overcharge the state governments.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Strang Burgess.

Representative **STRANG BURGESS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think you've heard some good conversation today and hopefully we've all had the chance to pass these out to you over the different sessions here, so I'm sure you've all read all the materials. But basically I just would like to recap that Maine is one of two states. Texas, as you've heard, has it, but it's not a law, it's a rule. This bill, by collecting drug pricing information, whether you collect it or not, really has absolutely nothing to do with the health and viability of a particular drug. This is about drug pricing and it's not going to affect the MaineCare rebates that you've heard mentioned. The academic detailing is retained in the Majority Report. We believe in supporting that wholly and we determined that the funding which was $1,000 per company was not necessary and one of the first things that we did in the Health and Human Services Committee, in January during the first supplemental, was people went back through the budget and saw where pots of money had pooled up. In fact, there was about $77,000 sitting there and had been sitting there. People were paying into this each year and it was not being used for anything and in fact got swept into the General Fund. At the time, I made the comments that, gee, isn't it nice that private sector people, we charge them fees and then that turns around and gets swept into the General Fund. So we redetermined what it would take to support the academic detailing and we determined that $500 per company was sufficient to do that.

I thank Representative Celli for reminding the fact that not all drug companies are evil, quite the contrary. If it wasn't for the drug companies and a lot of their private sector research that's done, certainly I would not be standing here today and I would fair to say that probably Representative Celli and I would not be with you if it weren't for the good things that are happening in that area. Just so that we don't think that we are going to cause fraud and health issues, believe you me that if there was an issue in this area, why aren't the 48 other states clamoring to have this exact same law? Thank you.

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

Representative **DRISCOLL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I guess my response to Representative Strang Burgess from Cumberland to her last, I take it, question posed is that the other states don't have a legislator who has been embodied around pharmaceutical and health care issues such as Representative Treat from Hallowell over the years. We've certainly been fortunate to have somebody such as her out there looking at ways we can protect health care consumers in this state.

With respect to the pharmaceutical industry in this state and country, you know, I'm not so sure about their pricing. I did some research myself a few years ago when I started serving here in the Legislature and found out that a lot of pharmaceutical companies actually manufacture the drugs overseas in batching plants, however, depending on where those drugs get sent to or dispensed to, such as Canada or other countries, there seems to be a differentiation in cost. Unfortunately, it seems as though we in Maine and the rest of the United States, we seem to have to heavily subsidize the rest of the world with respect to pharmaceutical costs, and that really hits hard and hits close to home for people that don't have health insurance and don't have pharmaceutical prescription coverage. It just doesn't seem fair and it seems as though the pharmaceutical industry, you know, you would think that they would be more cognizant of this fact and to provide equity with respect to pharmaceutical costs, not only here in our country but around the world, and that's not happening right now.

All I can think of, what's today, Tuesday? I worked Sunday night in the emergency room. I had a lady, one of my patients, came in. She had had a seizure at home. She was on a medication previously, but was prescribed a new medication for her seizures because the previous medication wasn't working appropriately. Come to find out she has another seizure, the reason being the medication that she was prescribed, the cost was so exorbitant and that she didn't have prescription drug coverage that she couldn't afford the medicine. She told me it was $800 for a 90-day supply. This was a working mother here in Maine, who apparently made $12 more than what was allowed here in Maine to be able to get some sort of prescription coverage under MaineCare. So a $12 difference, apparently her employer didn't offer her health insurance which is another unfortunate thing. So this lady has a seizure, ends up in the emergency room. It just doesn't seem right. I think we need to continue to maintain the protections that we have in place for the pharmaceutical industry. I don't think they are evil. I think that what they do is necessary and we need to continue to support them. However, the protections that we're talking about here don't seem to be too overboard. So thank you very much, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Celli.

Representative **CELLI**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just a correction. You can get your drugs cheaper in Europe and in Canada and in most other countries, but the reason for that is that the costs of having our pharmaceuticals approved by the FDA in the United States, on average, cost, it runs $136 million more. That is the reason. Don't get me wrong, I'm all in favor of that because I want to make sure that when they come out that they are safe for us to take, so I'm not complaining about that at all. But that's the main reason that you get charged more here than across the border in Canada. Thank you.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would respectfully disagree that the FDA is the sole reason in why our costs are exorbitant in comparison to the rest of the world. I worked not for but with the pharmaceutical industry for several years, not at the local level, I worked at the national level, and I worked specifically with marketing. I managed nonprofit organizations and medical conferences. In fact, I launched a national conference, Psychopharmacology for Advanced Practice Psychiatric Nurses, which was specifically psychopharmacology related education for nurses by nurses at the advanced practice level, meeting folks that actually prescribed those drugs because doctors were getting that information and nurses were not.

For years I would just write a letter to the pharmaceutical industry, whatever company it happened to be, and ask for a grant. But as part of that, every year I would purchase something. It was called the Pharmaceuticals Marketers Directory and that marketer's directory would get you in contact with all the product managers. I was specifically researching product managers and I was also on the Pharma website, the Pharmaceutical Marketers Association, looking at clinical trials, because I knew if a drug was in phase three clinical trials that that meant that they were about to launch their product. While they couldn't necessarily discuss the products, they were gearing up to market the heck out of it and those were people who had budgets. The interesting thing about the phase three was that they weren't just new drugs, they were drugs that were being rebranded. Because every time a drug goes generic it loses

value, so they have to actually create a whole new brand and they have to create a whole new opportunity to prescribe that drug for a different cause. Whether it goes from bipolar to schizophrenia or schizophrenia to bipolar or sometimes to even Alzheimer's, each new diagnosis, there is a whole new drug launch and it protects the brand so that they don't lose their patent.

So my long convoluted way through this is that over the years I started out writing letters and that's all that were required. I would write asking for $10,000 or $5,000 for a sponsorship grant, an educational grant. An unrestricted educational grant was the language I had to use. Over the years, there were OIG guidances, there were changes in the Pharma marketing codes as it related to how drug companies could market to physicians because it was clear at the national level that if the pharmaceutical companies did not self regulate, that there were going to be real regulations from the Federal Government that seriously restricted how they marketed those drugs because there was a dangerous relationship developing between dine and dashes, for example, between physicians and folks who prescribe those drugs with the sales and marketing side of it. So they were trying to create a separation and they actually created, over the years, a separation between the marketing and the educational side, so the product management was in one department and the marketing was in the other.

The reason I discussed this as it's related to LD 719 and in response to the good Representative from Brewer is that by the time those changes happened, the last grant I wrote, I had to write the entire grant for the company. It had to come from an uninterested unbiased party. I asked for a grant of $10,000 to go to my organization for a 90-minute symposium, 90 minutes to discuss a particular drug as it related to my audience. I could calculate about $40,000 or $50,000 in costs as it relates to the cost of food, the cost to bring in speakers, their honoraria, etcetera. That was what I estimated all along, the costs of those 90-minute symposia. I was given the grant to sign off on and that 90-minute symposia grant was $250,000. I cannot begin to tell you what the costs must have been for, because as someone that planned conferences, like I said, all I could account for was $40,000, maybe $50,000, and yet the pharmaceutical company was asking, had written this grant for $250,000 for 90 minutes.

The reason I bring this to your attention is that I wanted to respond to the good Representative from Brewer, Representative Celli, that this is not entirely about the FDA. This is about how much pharmaceutical companies spend marketing and rebranding and rebranding their prescription drugs, so that we as consumers know about them and are able to take advantage of them as we need to and, in some cases, as we don't. So when you make this decision about disclosure, keep in mind that marketing costs are astronomical in this country. I don't speak on prescription drugs often, but I'll tell you, having been there and having worked and having been in the product managers' offices in some of the pharmaceutical companies' corporate headquarters, I think it's important that we take that into consideration and anything that would weaken our marketing disclosure would be in sharp contrast to the values of this state. But more importantly, suggesting that marketing is not a core essence and core component of the cost structure of our prescription drugs would be ill advised to consider. Thank you, Mr. Speaker.

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

ROLL CALL NO. 204

YEA - Ayotte, Beaulieu, Bennett, Black, Burns DC, Burns DR, Casavant, Cebra, Celli, Chase, Clark H, 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, Knapp, Knight, Libby, Long, Maker, Malaby, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Newendyke, O'Connor, Olsen, Parker, Parry, Pilon, Plummer, Prescott, Richardson D, Richardson W, Rioux, Rosen, Sanderson, Sarty, Shaw, Sirocki, Strang Burgess, Tilton, Timberlake, Turner, Volk, Waterhouse, Weaver, Willette A, Winsor, Wood, Mr. Speaker.

NAY - Beaudoin, Beavers, Beck, Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Chapman, Chipman, Clarke, Cornell du Houx, Dill J, Dion, Driscoll, Eberle, 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, Nelson, O'Brien, Peoples, Peterson, Priest, Rankin, Rochelo, Russell, Sanborn, Stevens, Theriault, Treat, Tuttle, Valentino, Webster.

ABSENT - Bickford, Duchesne, Eves, Flemings, Kaenrath, Picchiotti, Rotundo, Stuckey, Wagner R, Welsh, Willette M, Wintle.

Yes, 79; No, 59; Absent, 12; Vacant, 1; Excused, 0.

79 having voted in the affirmative and 59 voted in the negative, 1 vacancy with 12 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-647)** 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-647)** and sent for concurrence.

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

HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-625)** - Minority (6) **Ought to Pass as Amended by Committee Amendment "B" (H-626)** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Repeal the Maine Certificate of Need Act of 2002"

(H.P. 286) (L.D. 360)

TABLED - June 15, 2011 (Till Later Today) by Representative CURTIS of Madison.

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

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

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

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Strang Burgess.

Representative **STRANG BURGESS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'm really actually really excited to get this bill launched and have a chance to present this to you all for your consideration today.

LD 360 is probably one of the bills that the Health and Human Services Committee this session worked probably the most hard. It's a very comprehensive bill, it has a lot of moving parts and pieces, and everybody, the whole committee, worked extremely hard on this bill. I think we've voted on it perhaps as many as five or six different times. We had many different meetings and subgroups working on different parts of this. You should have before you an orange one sheet. Hard to believe that all the work that we did gets boiled down to one sheet, but we did this to simply outline the bill and to help you understand the different moving parts of this bill. I'd like to just take a minute to acquaint you with CON, which is Certificate of Need. That is a process that can be used for many, many different things and it simply means that you have to go through several regulatory and procedure steps in place to achieve certain approvals.

In the case that we're talking about today, this has to do with our medical system, our hospitals, which also include our doctors' offices and it also includes long-term care. I think one of the things that we learned, the whole committee became pretty fluent with all the parts of CON, but what was difficult was when we talk about Certificate of Need process, a lot of people think that we were just talking about hospitals. I want everybody to remember that we are talking about much more than hospitals. If you have had lots of time over the last week or so, I'm sure you've had a chance to cruise through the Majority and the Minority Report, but in case you haven't, I'd just like to introduce you to Part A of this bill. We've broken it down into parts to make it a little easier to digest. Part A is the part that is all about the hospital and the process that's been put together around that. Part B has to do with long-term care. Part C has to do with energy and creating a process to make sure our medical facilities can take advantage of the best and latest energy efficiencies. Part D has to do with the process. We've made a number of changes to how this continuing CON process will work. We've changed a lot of the timeframes. We've made a number of real substantial changes to the way CON is going to work moving forward. The other part that I want you to understand is that CON is triggered by thresholds and that is what we're really going to get drilled down today to talk about, which really are threshold levels.

I'm really pleased to tell you all that the Majority and the Minority Report of this bill are 95 percent identical. The parts that we all agree on were the parts that have to do with the health care facility and the threshold for major medical equipment, and we put in here the different rates that we've raised it from. We also have thresholds for health care practitioners that have been increased. We have a number of changes that were made for our long-term care nursing facilities. All of those thresholds have also been increased. This bill also requires that a stakeholder group be convened to review all these many changes and also work with the department as the rules are promulgated and also to come to us with perhaps, and hopefully, additional ways that we can make this process be as straightforward and not as burdensome as perhaps it has been in the past. We also, as I mentioned, have amended the rules and the timeframes so that anybody who has to go through this process can do so in approximately half the time that it currently takes today.

Where our reports are different has to do with the threshold number for new health services by new or existing health care facilities. The Majority Report proposes to raise the current threshold, which is at $110,000, to $3 million. The Minority amendment raises the threshold from $110,000 to $1 million and that is essentially the issue that divides us here today. I wanted you all to have a basis of understanding so as we start talking about the differences and what this means and how this will work going forward, for all of you to have a good understanding of the process, and just know that thresholds, thresholds simply meaning that if you today were to be, whether you are brand new to the State of Maine or if you have been here for awhile, if you would like to create some, either a structure or some system that costs above $1 million, if in the Minority Report, then you would need to go through the CON process. If you are on the Majority Report you would have a threshold of $3 million. Obviously in today's health care world $3 million actually isn't quite as much as it perhaps may feel to some of you. So that's why the Majority Report, we felt the higher threshold, $3 million, was fair and equitable.

Something else to keep in mind as we have this conversation today that hospitals have to take all comers and a lot of what we're going to be talking about are perhaps inviting some additional competition into the marketplace and just to keep that in mind and appreciate the fact that the hospitals have to do that. Some of these new companies will be after the private pay patients. It's a piece there and frankly that's the piece that prevented really our committee to bring to you, which was initially proposed, which was a complete repeal of this Certificate of Need process. We looked at that really hard. We talked to folks in the field, we talked to a lot of people and did a lot of work on this. We came back with the feeling that the health care industry isn't exactly certainly a free market example and would it be entirely fair to literally overnight, companies who have worked with the State of Maine, been there for the State of Maine citizens in all forms to literally overnight sort of throw them out into the free market, that many of us certainly believe in. We felt that perhaps there are some steps along the way. I'm not sure what the future is going to be for those steps, but this one is a huge first step. It makes so many changes and changes so many different thresholds and parts that I know we've got folks, their heads are spinning as everybody tries to understand that. So I wanted you to know that we really thought long and hard and had many sort of different levels and approaches here. I know a number of people feel the free market system, the faster we get there would be the better. But this is a fabulous, fabulous, incredibly huge first step. We've changed a lot of different parts. We've made it hopefully much more easy to be navigated by folks that do get triggered with the various thresholds, that have to go through this process, and we've got a great stakeholder group that will be born from this as well to review, guide and also guide us into the future with additional ways that we make the marketplace certainly as free as possible.

So with that background, as they say, the debate will begin here. I would urge support for the Majority Report, which is at the higher level, really simply that for $3 million – I don't mean to say that $3 million isn't a lot of money, but think about the time you build and you put your medical equipment and you put everything all together, it doesn't go quite as far as perhaps it used to. So that's really the thought process that got us to the Majority Report. We have continued to do a lot of work and I have another, see I can't say the word "amendment," but another idea that will make this even better, but we need to get through this process and so I would urge your support for the Majority Report. Thank you very much.

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. Debate between supporters and detractors of CON laws generally revolve around four questions: Should the government be in the business of regulating health care prices? Can competition among health care providers contain costs? Does regulation of capital investment hold down costs or, on the contrary, increase them?

Are there better solutions that have not been tried?

According to the joint statement of the Antitrust Division of the United States Department of Justice and the Federal Trade Commission, on September 5, 2008, they said, and I quote, "The Agencies' experience and expertise has taught us that Certificate-of-Need laws impede the efficient performance of health care markets. By their very nature, CON laws create barriers to entry and expansion to the detriment of health care competition and consumers. They undercut consumer choice, stifle innovation, and weaken markets' ability to contain health care costs. Together, we support the repeal of such laws, as well as steps that reduce their scope."

Information from the Kaiser Family Foundation state facts org site states with certificate of need have higher utilization as well as higher costs in every major hospital category. Some of those numbers are 16 percent more emergency room visits, 9 percent higher costs per in patient day in Maine with a national CON state being 6 percent higher. Spending per capita for hospital and physician services is 19 percent higher in Maine with CON states nationwide being 9 percent higher than non-CON states. In fact, expenses per inpatient day in Maine are higher than the nation's average and the states with the most hospital beds versus the lowest number see an excess of $900 per day in savings. Maine Medical Association has also determined that CON laws are an unnecessary bureaucratic obstacle to health care innovation and is a franchising mechanism that uses the power of the state to protect those who have CON from competition by others who may be able to provide the medical services more efficiently. Currently, 14 states have repealed CON laws and another six, to include Maine, are scrutinizing their CON programs. In fact, Georgia just recently passed significant comprehensive reform of its CON laws.

The Majority Report is an excellent segue into a full sunset of the Certificate of Need, but before that full repeal happens, we need to address the nursing home piece as 70 percent of our beds are MaineCare and the laws revolving around that and possible increase in beds forces MaineCare to pay, regardless of whether or not they are full. This legislation will effectively and efficiently lead to quality improvement of Maine citizens' health market needs and put Maine in a more competitive health market. I look forward to seeing what the stakeholders group has to come back with and some of the solutions so Maine can better compete in the health market. Thank you.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Sanborn.

Representative **SANBORN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise to ask you to defeat the pending motion and give us an opportunity to support the Minority Report on this bill.

The committee worked long and hard on this very complicated legislation, and I am happy to say that the education that we received along the way was extremely useful. The end result is two reports that are remarkably similar but for one very important distinction: the threshold that projects must meet before they go through the Certificate of Need process.

I will not bore the chamber with the intricacies of the Certificate of Need laws. Suffice it to say that most states have some form of a Certificate of Need program. Our committee recognized that Maine's law was far more stringent than most states, so both reports make significant changes to the current process. These changes will make it far easier for new health care projects to be built without going through the CON process.

However, the Minority Report reflects the very real concern that we not throw the proverbial baby out with the bath water. The CON process is intended to hold down health costs, and, in fact, studies have proven this to be true. According to a study conducted, delivered to Congress by the Daimler Chrysler Company, the two states with the highest costs had no CON in place and the two states with the lowest costs had CON laws. According to the report, the adjusted cost in the lowest cost state was three times lower than the highest cost state. The report attributes that differential to the presence of CON laws which help to control unfettered growth – and thus control unnecessary utilization of health care.

Just last week, the Agency on Health Research and Quality ranked Maine's hospitals third in overall quality in the country. We should be proud of our nonprofit hospital system which provides access to all and it does so efficiently and effectively. In spite of being the oldest state, Maine's hospital costs and consumption is lower than the national average. Maine's hospitals represent a lower share of the total health spending and cost per inpatient day is below the national average. Finally, Maine has fewer hospital beds per 100 square miles, fewer admissions and shorter inpatient stays than the national average. The bottom line: Maine's hospitals are efficient and effective, and that is, in part, because we have controlled unnecessary growth in health services.

The CON law does not prevent new entrants to the market. It only provides a check and balance to ensure that they best meet the needs of patients in their communities. OPEGA released a study last month that determined that Maine's CON process is clear, consistent and transparent. Of the 60 applications filed over the last five years, 57 were approved. The CON process allows for such approvals to require conditions that are in the best interest of patients and communities – for example, when Southern Maine Medial Center joined MaineHealth, the CON requires that all patients who go to the Emergency Department leave with the name and phone number of the primary care physician that is accepting new patients, including those who are uninsured and on Medicaid. It is hard to argue that the state did not have the best interest of patients in the communities in mind when they set this condition. And, more importantly, it will serve the long-term goal of reducing health care costs in that community.

The $1 million threshold in the Minority Report allows important projects to be built without CON approval, but it maintains the CON process for those larger projects that are likely to have an impact on health care costs and quality. This threshold is applicable to new services and facilities alike – it does not apply to renovations of existing facilities. And I would remind you here that many of your hospitals support the Minority Report. Many of all hospitals are the major employer in our communities and they support the Minority Report and say that the Majority Report essentially repeals CON altogether. Given the struggle that Maine employers and people face every day to pay for ever-rising costs of health care, the CON law provides an important check and balance to help mitigate those costs. I hope that you will join me in opposing the pending motion so that we can go on to support the Minority Ought to Pass Report.

Representative KNIGHT of Livermore Falls **REQUESTED** that the Clerk **READ** the Committee Report.

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

The SPEAKER: The Chair would inform the members that the Clerk's Office was provided with the wrong Committee Report. There has been some discussion as whether the wrong report was posted. It was not. The Clerk's Office posted the report that came from the committee. Whether it was the report that should have come from the committee or not is open to debate and someone from the committee, I would welcome that debate.

The Chair recognizes the Representative from Hancock, Representative Malaby.

Representative **MALABY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I believe that was the initial vote that was amended. We went back repeatedly, perhaps seven or eight different votes, and I just mention that. Thank you.

The SPEAKER: The Chair recognizes the Representative from Alna, Representative Fossel.

Representative **FOSSEL**: Thank you very much, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. There is exactly one difference between the Majority and the Minority Report and that is that $1 million versus $3 million that you've already said. The Majority Report was all the Republicans and no Democrats. The Minority Report was all Democrats and no Republicans. Thank you.

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

Representative **MALABY**: Thank you, Mr. Speaker. Again, that report that the Clerk read was only initial vote for full repeal. Thank you.

The SPEAKER: The Chair recognizes the Representative from Newcastle, Representative McKane.

Representative **McKANE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As you've heard the original bill for full repeal and the title still remains An Act to Repeal the Certificate of Need Law. I thought somewhere in there while we worked in committee, we changed that to amend or to reform, but it didn't come out in the final version. But this is in no way a repeal of the Certificate of Need law and I won't go into all the details because we've pretty much covered it, but a couple of points I'd like to make. Pretty much all sides agreed that something had to be done with the Certificate of Need law. The hospitals, Republicans, Democrats, insurers, everybody who was involved in this. As you can see, I think this is the first handout I have ever seen that has both sides, it has the chair and the minority lead signing off on it. I think that's the blue, no it's not the blue one, it's the orange one. Both Representative Strang Burgess and Representative Mark Eves are on that. That's the first time I've ever seen a handout quite like that and that's testament to the hard work that this committee put in together, all members, and I really want to thank them for their hard work. Most of us agreed, 90 percent of the bill we agree on, just on that final part about the threshold for a new facility and just try to imagine a new health care facility that you could build for a million bucks, you might be able to do something but you're really not going to be able to do a whole heck of a lot. I don't really think you'll do a whole heck of a lot for $3 million which is our threshold. That's the difference. The $3 million will allow some smaller surgical units, some imaging centers, dialysis centers to be built, and they're not going to be built just anywhere. These people who build these centers do market studies and they will bring a little bit of competition to certain areas.

We had a doctor come in and speak to a group of us, Doctor Demetri Antoniou, who he and some fellow doctors wanted to put together a surgical unit in Portland that would specialize in certain surgeries. They spent over $600,000 on the process and were allowed, they were going to be able to build this surgical unit. They were going to be able to provide certain surgeries for half the cost of those in our current system. Health and Human Services issued the Certificate of Need but at the last minute the Chief Executive and the commissioner stepped in and repealed it, so they did not get to build that surgical unit. However, Maine Medical went ahead and did exactly what this doctors' group proposed. I thought that was very unfair.

In Bangor, there was a dialysis center proposed. The market had been studied; there was a strong need for another dialysis center in the greater Bangor area. Health and Human Services agreed that there was a strong need for this dialysis center in that area, but they still had to go through the process, they still had to spend all the money, delay it, all the time and expertise that went in there, and then they went ahead and built the dialysis center. It's up and operating. It was a total waste of time and money and just a drag on the health care system and ultimately comes out of the health care consumer's pockets. It's what's making us spend more. Certificate of Need costs consumers. Well, you heard what the federal Antirust Division, the U.S. Department Justice, has said and the Federal Trade Commission, it really doesn't keep costs low. But this will at least amend it a little bit. If we bring it to 3,000, it will allow some new blood into our existing health care infrastructure. It is a way to take off the training wheels, as one member said, and eventually get to the point where we can have some real competition. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Strang Burgess.

Representative **STRANG BURGESS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It was suggested for one last time, point of clarification. When I first had introduced this to you all many weeks ago, there was a clerical error made in the process and that's why we had, I think I told you, five or six different votes and they just pulled the wrong vote sheet. So I believe everyone said the Majority Report has all the Republicans on it, the Minority Report has all the Democrats on it. The bills, what you read electronically in your system is correct. So again, I would ask your support for the Majority Report. Thank you.

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

ROLL CALL NO. 205

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

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

ABSENT - Bickford, Celli, Curtis, Duchesne, Eves, Flemings, Hamper, Picchiotti, Rotundo, Stuckey, Wagner R, Welsh, Willette M, Wintle.

Yes, 71; No, 65; Absent, 14; Vacant, 1; Excused, 0.

71 having voted in the affirmative and 65 voted in the negative, 1 vacancy with 14 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-625)** was **READ** by the Clerk.

Representative STRANG BURGESS of Cumberland **PRESENTED House Amendment "A" (H-661)** to **Committee Amendment "A" (H-625)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Strang Burgess.

Representative **STRANG BURGESS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This amendment makes two changes to the Majority Report that was just accepted. The first one is a clerical correction, if you will, or it was a legislative intent that we were trying to keep the capital expenditures the same for new versus current businesses in the State of Maine. Therefore, it makes a correction reducing what's printed in the original bill, it was $10 million, down to the $3 million, which is what you heard us talking about for the last 45 minutes or so here. Then the second correction is it adds three sentences into the long-term care part about bed neutrality. Trust me if I tell you that really don't want to have to go into a great learning curve on bed neutrality, but essentially by doing this and clarifying this, we were able to make sure that the fiscal office was able to understand what the legislative intent, thereby it is not meant to use additional MaineCare dollars. Thereby it reduces the fiscal note or removes the fiscal note from this bill. So those are the two changes and you may be interested to know that the same two changes would have been made on either the Majority or the Minority Report, so that I believe we will be in agreement with this. Thank you.

Subsequently, **House Amendment "A" (H-661)** to **Committee Amendment "A" (H-625)** was **ADOPTED**.

Committee Amendment "A" (H-625) as Amended by House Amendment "A" (H-661) 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-625) as Amended by House Amendment "A" (H-661)** thereto and sent for concurrence. **ORDERED SENT FORTHWITH**.

An Act Regarding Labor Contracts for Public Works Projects

(S.P. 378) (L.D. 1257)

(S. "C" S-318 to C. "A" S-254)

TABLED - June 16, 2011 (Till Later Today) by Representative CUSHING of Hampden.

PENDING - **PASSAGE TO BE ENACTED**. (Roll Call Requested)

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

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

ROLL CALL NO. 206

YEA - Ayotte, Beaulieu, Bennett, Black, Burns DC, Burns DR, Cebra, Celli, Chase, Clark T, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, 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 W, Rioux, Rosen, Sanderson, Sarty, Sirocki, Strang Burgess, Tilton, Timberlake, Turner, Volk, Waterhouse, Weaver, Willette A, 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, Dion, Driscoll, Eberle, Gilbert, Goode, Graham, Hanley, Harlow, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Kaenrath, Kent, Kruger, Kumiega, Lajoie, Longstaff, Lovejoy, Luchini, MacDonald, Maloney, Martin, Mazurek, McCabe, Morrison, Nelson, O'Brien, Peoples, Peterson, Pilon, Priest, Rankin, Richardson D, Rochelo, Russell, Sanborn, Shaw, Stevens, Theriault, Treat, Tuttle, Valentino, Webster.

ABSENT - Bickford, Damon, Duchesne, Eves, Flemings, Rotundo, Stuckey, Wagner R, Welsh, Willette M, Wintle.

Yes, 73; No, 66; Absent, 11; Vacant, 1; Excused, 0.

73 having voted in the affirmative and 66 voted in the negative, 1 vacancy with 11 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Restore Equity in Education Funding

(S.P. 395) (L.D. 1274)

(S. "A" S-273 to C. "A" S-240)

TABLED - June 16, 2011 (Till Later Today) by Representative CUSHING of Hampden.

PENDING - **PASSAGE TO BE ENACTED**. (Roll Call Requested)

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

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

ROLL CALL NO. 207

YEA - Ayotte, Beliveau, Bennett, Black, Blodgett, Briggs, Burns DC, Cebra, Celli, Chapman, Chase, Clark H, Clark T, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Davis, Dow, Dunphy, Edgecomb, Espling, Fitts, Fitzpatrick, Flood, Fossel, Foster, Fredette, Gifford, Gilbert, Gillway, Guerin, Hamper, Hanley, Harmon, Harvell, Hayes, Johnson D, Johnson P, Keschl, Knapp, Knight, Kumiega, Libby, Long, Luchini, MacDonald, Maker, Malaby, Maloney, Martin, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Newendyke, Parker, Parry, Peterson, Picchiotti, Plummer, Prescott, Richardson D, Richardson W, Rioux, Rosen, Sanderson, Sarty, Strang Burgess, Theriault, Tilton, Timberlake, Treat, Turner, Waterhouse, Weaver, Willette A, Winsor, Wood, Mr. Speaker.

NAY - Beaudoin, Beaulieu, Beavers, Beck, Berry, Boland, Bolduc, Bryant, Burns DR, Cain, Carey, Casavant, Chipman, Clarke, Cornell du Houx, Damon, Dill J, Dion, Driscoll, Eberle, Goode, Graham, Harlow, Haskell, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Kaenrath, Kent, Kruger, Lajoie, Longstaff, Lovejoy, Mazurek, McCabe, Morrison, Nelson, O'Brien, O'Connor, Olsen, Peoples, Pilon, Priest, Rankin, Rochelo, Russell, Sanborn, Shaw, Sirocki, Stevens, Tuttle, Valentino, Volk, Webster.

ABSENT - Bickford, Duchesne, Eves, Flemings, Rotundo, Stuckey, Wagner R, Welsh, Willette M, Wintle.

Yes, 84; No, 56; Absent, 10; Vacant, 1; Excused, 0.

84 having voted in the affirmative and 56 voted in the negative, 1 vacancy with 10 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

REPORTS OF COMMITTEE
Divided Reports

Eight Members of the Committee on **TAXATION** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-308)** on Bill "An Act To Provide Tax Relief for Maine's Citizens by Reducing Income Taxes"

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

Signed:
Senators:
TRAHAN of Lincoln
HASTINGS of Oxford

Representatives:
KNIGHT of Livermore Falls
BENNETT of Kennebunk
BRYANT of Windham
BURNS of Alfred
HARMON of Palermo
WATERHOUSE of Bridgton

Four Members of the same Committee report in Report "B" **Ought Not to Pass** on same Bill.

Signed:
Representatives:
BERRY of Bowdoinham
BICKFORD of Auburn
FLEMINGS of Bar Harbor
PILON of Saco

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (S-309)** on same Bill.

Signed:
Senator:
WOODBURY of Cumberland

Came from the Senate with Report "A" **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-308) AS AMENDED BY SENATE AMENDMENT "A" (S-330)** thereto.

READ.

On motion of Representative KNIGHT of Livermore Falls, Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-308)** was **READ** by the Clerk.

Senate Amendment "A" (S-330) to **Committee Amendment "A" (S-308)** was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-308) as Amended by Senate Amendment "A" (S-330) 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" (S-308) as Amended by Senate Amendment "A" (S-330)** thereto in concurrence.

Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Regarding the Membership of the Midcoast Regional Redevelopment Authority Board of Trustees"

(S.P. 54) (L.D. 204)

has had the same under consideration, and asks leave to report:

That they are **UNABLE TO AGREE**.

Signed:
Senators:
COURTNEY of York
FARNHAM of Penobscot
GERZOFSKY of Cumberland

Representatives:
PRESCOTT of Topsham
HARVELL of Farmington
VALENTINO of Saco

Came from the Senate with the Committee of Conference Report **READ** and **ACCEPTED**.

The Committee of Conference Report was **READ** and **ACCEPTED** in concurrence.

CONSENT CALENDAR
First Day

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

(S.P. 485) (L.D. 1524) Bill "An Act To Amend the Laws Relating to the Maine Public Employees Retirement System" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass**

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

There being no objection, the Senate Paper was **PASSED TO BE ENGROSSED** in concurrence.

BILLS RECALLED FROM GOVERNOR
(Pursuant to Joint Order - House Paper 1187)

An Act To Protect Legislative Intent in Rulemaking

(H.P. 426) (L.D. 543)
(C. "A" H-546)

- In House, **PASSED TO BE ENACTED** on June 8, 2011.
- In Senate, **PASSED TO BE ENACTED** on June 8, 2011.

On motion of Representative COTTA of China, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENACTED**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-546)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-671)** to **Committee Amendment "A" (H-546)**, which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-546) as Amended by House Amendment "A" (H-671) thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-546) as Amended by House Amendment "A" (H-671)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

BILLS RECALLED FROM GOVERNOR

(Pursuant to Joint Order - House Paper 1189)

Resolve, To Review Oversight and Advisory Responsibilities Related to Services for Adults with Intellectual Disabilities or Autism Spectrum Disorders

(H.P. 827) (L.D. 1115)
(C. "A" H-520)

- In House, **FINALLY PASSED** on June 7, 2011.
- In Senate, **FINALLY PASSED** on June 7, 2011.

On motion of Representative STRANG BURGESS of Cumberland, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Resolve was **FINALLY PASSED**.

On further motion of the same Representative, the Resolve and all accompanying papers were **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES** in **NON-CONCURRENCE** and sent for concurrence.

The House recessed until 1:30 p.m.

(After Recess)

The House was called to order by the Speaker.

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

SENATE PAPERS

Non-Concurrent Matter

An Act To Provide Funding for the Fish Stocking Program

(S.P. 64) (L.D. 213)

PASSED TO BE ENACTED in the House on May 23, 2011. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-110)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **INLAND FISHERIES AND WILDLIFE** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Provide a Sales Tax Exemption to Commercial Horticulturists

(H.P. 187) (L.D. 234)

PASSED TO BE ENACTED in the House on May 16, 2011. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-153)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Reduce Deer Predation

(H.P. 298) (L.D. 372)

PASSED TO BE ENACTED in the House on May 26, 2011. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-311)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **INLAND FISHERIES AND WILDLIFE** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Provide Funding for the World Acadian Congress

(S.P. 157) (L.D. 565)

PASSED TO BE ENACTED in the House on June 6, 2011. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-184)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Require Certain Changes to Sales and Use Tax Policy Application or Practice

(H.P. 448) (L.D. 590)

PASSED TO BE ENACTED in the House on June 7, 2011. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-434) AS AMENDED BY HOUSE AMENDMENT "A" (H-496)** thereto)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Increase the Amount Tagging Agents Receive for Tagging Game

(H.P. 467) (L.D. 637)

PASSED TO BE ENACTED in the House on May 11, 2011. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-105)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **INLAND FISHERIES AND WILDLIFE** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, To Direct the Department of Education To Contract for an Independent Review of the Essential Programs and Services Model

(H.P. 702) (L.D. 958)

FINALLY PASSED in the House on June 14, 2011. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-604)**)

Came from the Senate with the Resolve and accompanying papers **COMMITTED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Require That Law Enforcement Officials Collect DNA Samples from Persons Arrested for Certain Crimes

(H.P. 849) (L.D. 1143)

PASSED TO BE ENACTED in the House on June 9, 2011. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-576)**)

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

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

Non-Concurrent Matter

An Act To Promote School Attendance and Increase School Achievement

(S.P. 473) (L.D. 1503)

PASSED TO BE ENACTED in the House on June 14, 2011. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-287)**)

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Include Independent Practice Dental Hygienists in MaineCare

(H.P. 58) (L.D. 70)

PASSED TO BE ENACTED in the House on April 6, 2011. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-49)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-49) AS AMENDED BY SENATE AMENDMENT "A" (S-339)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

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

(H.P. 84) (L.D. 98)

FINALLY PASSED in the House on June 7, 2011. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-519)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-519) AS AMENDED BY SENATE AMENDMENT "A" (S-340)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Provide a Sales Tax Exemption to Incorporated Nonprofit Performing Arts Organizations

(S.P. 55) (L.D. 205)

PASSED TO BE ENACTED in the House on May 18, 2011. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-90)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-90) AS AMENDED BY SENATE AMENDMENT "A" (S-342)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act Regarding the Southern Maine Veterans Memorial Cemetery

(S.P. 88) (L.D. 299)

PASSED TO BE ENACTED in the House on April 5, 2011. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-14)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-14) AND SENATE AMENDMENT "A" (S-344)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

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)

PASSED TO BE ENACTED in the House on May 10, 2011. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-124)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-124) AS AMENDED BY SENATE AMENDMENT "A" (S-346)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Reform Telecommunications Taxation

(H.P. 334) (L.D. 441)

PASSED TO BE ENACTED in the House on June 7, 2011. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-477)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-477) AS AMENDED BY SENATE AMENDMENT "A" (S-347)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Appropriate Funds for the Maine Downtown Center

(S.P. 176) (L.D. 584)

PASSED TO BE ENACTED in the House on April 28, 2011. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-37)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-37) AND SENATE AMENDMENT "A" (S-348)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Modify the Process Regarding the Return of Unfit Tobacco Products

(S.P. 198) (L.D. 617)

PASSED TO BE ENACTED in the House on May 25, 2011. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-125)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-125) AS AMENDED BY SENATE AMENDMENT "A" (S-349)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Provide Sales Tax Exemption or Refund on Parts and Supplies Purchased To Operate Windjammers

(H.P. 52) (L.D. 59)

PASSED TO BE ENACTED in the House on May 24, 2011. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-72) AS AMENDED BY SENATE AMENDMENT "A" (S-122)** thereto)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-72) AND SENATE AMENDMENT "A" (S-338)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Extend the Dental Care Access Credit for Dentists Who Practice in Underserved Areas of the State (EMERGENCY)

(H.P. 141) (L.D. 164)

PASSED TO BE ENACTED in the House on April 6, 2011. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-35) AS AMENDED BY HOUSE AMENDMENT "A" (H-44)** thereto)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-35) AS AMENDED BY SENATE AMENDMENT "A" (S-341)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act Regarding the Saltwater Recreational Fishing Registry (EMERGENCY)

(S.P. 60) (L.D. 210)

PASSED TO BE ENACTED in the House on June 7, 2011. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-136) AS AMENDED BY SENATE AMENDMENT "B" (S-147)** thereto)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-136) AS AMENDED BY SENATE AMENDMENTS "B" (S-147) AND "C" (S-343)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Make Certain Synthetic Cannabinoids Illegal

(H.P. 673) (L.D. 914)

PASSED TO BE ENACTED in the House on May 26, 2011. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-293)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-293) AS AMENDED BY SENATE AMENDMENT "A" (S-351)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act Regarding the Use of Methadone by Operators of Commercial Motor Vehicles

(H.P. 710) (L.D. 966)

PASSED TO BE ENACTED in the House on May 26, 2011. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-254)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-254) AS AMENDED BY SENATE AMENDMENT "A" (S-352)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Provide Administrative Support to the Citizen Trade Policy Commission

(H.P. 716) (L.D. 972)

PASSED TO BE ENACTED in the House on May 23, 2011. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-249)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-249) AND SENATE AMENDMENT "A" (S-353)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Provide a Property Tax Exemption for Family Burying Grounds

(H.P. 816) (L.D. 1081)

PASSED TO BE ENACTED in the House on June 7, 2011. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-476)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-476) AS AMENDED BY SENATE AMENDMENT "A" (S-354)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Amend the Motor Vehicle Laws

(H.P. 835) (L.D. 1123)

PASSED TO BE ENACTED in the House on May 26, 2011. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-291)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-291) AS AMENDED BY SENATE AMENDMENT "A" (S-355)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Amend Standards for Participation in Certain Public School Services by Students Who Are Homeschooled (MANDATE)

(H.P. 888) (L.D. 1197)

PASSED TO BE ENACTED in the House on June 8, 2011. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-571)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-571) AS AMENDED BY SENATE AMENDMENT "A" (S-356)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Prohibit Bullying and Cyberbullying in Schools

(H.P. 928) (L.D. 1237)

PASSED TO BE ENACTED in the House on June 9, 2011. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-570)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-570) AS AMENDED BY SENATE AMENDMENT "A" (S-357)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Increase the Fee Paid to a Funeral Home To Transport a Body at the Request of the State Medical Examiner

(H.P. 955) (L.D. 1303)

PASSED TO BE ENACTED in the House on May 23, 2011. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-239)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-239) AS AMENDED BY SENATE AMENDMENT "A" (S-358)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Create Consistency and Fairness in Maine's Bottle Bill

(H.P. 970) (L.D. 1324)

PASSED TO BE ENACTED in the House on June 10, 2011. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-316) AS AMENDED BY SENATE AMENDMENT "A" (S-275)** thereto)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-316) AS AMENDED BY SENATE AMENDMENT "B" (S-359)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, To Establish the Blue Ribbon Commission on Affordable Housing (EMERGENCY)

(H.P. 638) (L.D. 841)

FAILED OF FINAL PASSAGE in the House on June 7, 2011. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-511)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-511) AND SENATE AMENDMENT "A" (S-333)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, To Review Issues Dealing with Regulatory Takings (EMERGENCY)

(H.P. 1086) (L.D. 1477)

FINALLY PASSED in the House on June 14, 2011. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-600)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-600) AS AMENDED BY SENATE AMENDMENT "A" (S-335)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, To Study Allocations of the Fund for a Healthy Maine

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

FINALLY PASSED in the House on June 7, 2011. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-417)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-417) AS AMENDED BY SENATE AMENDMENT "A" (S-336)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, To Establish a Task Force on Franco-Americans (EMERGENCY)

(H.P. 486) (L.D. 656)

FINALLY PASSED in the House on April 28, 2011. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-88)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-88) AS AMENDED BY SENATE AMENDMENT "A" (S-337)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, Directing the Commission on Governmental Ethics and Election Practices To Study Modifying the Maine Clean Election Act

(S.P. 251) (L.D. 848)

FINALLY PASSED in the House on May 16, 2011. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-54)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-54) AND SENATE AMENDMENT "A" (S-332)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, Establishing the Commission To Study Priorities and Timing of Judicial Proceedings in State Courts (EMERGENCY)

(S.P. 297) (L.D. 951)

FINALLY PASSED in the House on June 3, 2011. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-213)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-213) AS AMENDED BY SENATE AMENDMENT "A" (S-334)** thereto in **NON-CONCURRENCE**.

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

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

ORDERS

On motion of Speaker NUTTING of Oakland, the following Joint Order: (H.P. 1186)

(Cosponsored by Senator: COURTNEY of York)

ORDERED, the Senate concurring, that, notwithstanding Joint Rule 353, the Commission to Reapportion Maine's Congressional Districts is established as follows.

1. Commission to Reapportion Maine's Congressional Districts established. The Commission to Reapportion Maine's Congressional Districts, referred to in this order as "the commission," is established.

2. Membership. The commission consists of 15 members appointed or invited as specified in this section.

A. The commission consists of the following appointed members:

(1) Three members from the political party holding the largest number of seats in the House of Representatives, appointed by the Speaker of the House;

(2) Three members from the political party holding the majority of the remainder of the seats in the House of Representatives, appointed by the floor leader of that party in the House;

(3) Two members of the political party holding the largest number of seats in the Senate, appointed by the President of the Senate; and

(4) Two members of the political party holding the majority of the remainder of the seats in the Senate, appointed by the floor leader of that party in the Senate.

B. The Speaker of the House shall invite the following to be members of the commission:

(1) The chairs of each of the 2 major political parties in the State or their designated representatives; and

(2) Three members from the public generally, one to be selected by each group of members of the commission representing the same political party and the 3rd to be selected by the other 2 public members.

3. Commission chair; quorum. The Speaker of the House shall organize the commission and is the chair pro tempore thereof until a permanent chair is selected by the commission members from among their own number. Action may not be taken by the commission without a quorum of 8 members present.

4. Appointments; convening of commission. All appointments must be made no later than 7 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members has been completed, the chair of the commission shall call and convene the first meeting of the commission. If 7 days or more after the passage of this order a majority of but not all appointments have been made, the chair may request authority and the Legislative Council may grant authority for the commission to meet and conduct its business.

5. Duties. The commission shall review the State's existing congressional districts. If the districts do not conform to Supreme Judicial Court guidelines, the commission shall reapportion the State into 2 congressional districts for the election of representatives to the United States Congress in accordance with the requirements contained in the Maine Revised Statutes, Title 21-A, section 1206, subsection 1. The commission shall hold public hearings on any plan for apportionment prior to submitting the plan to the Legislature.

6. Staff; compensation. The commission may hire staff determined necessary by the chair to complete the duties specified in section 5. Public members of the commission must receive the same rate of per diem that is paid to Legislators for every day's attendance at special sessions of the Legislature as specified in the Maine Revised Statutes, Title 3, section 2. All members of the commission must be reimbursed for actual travel expenses incurred in carrying out the business of the commission.

7. Report; legislative intent. The commission shall submit a report no later than August 31, 2011 that includes its recommendations, including a suggested reapportionment plan and emergency legislation to implement that plan, to the 125th Legislature. It is the intent of the Legislature that these recommendations be acted on by the 125th Legislature convened in special session prior to September 30, 2011.

READ.

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. As we take up this Order on redistricting, I rise today as the Minority Leader to briefly review the history of our congressional redistricting. As a body, we have a tradition of holding ourselves to a high standard. We have set a precedent of putting fairness and transparency before partisan politics. Democrats hope and expect that this body will continue to uphold this precedent no matter who holds the reins.

From 1961–1983 Maine's congressional district lines did not move, as federal elections officials focused their efforts and attention more on the states in the southern United States.

In 1983, as it became clear that the congressional line could remain static no longer, the Maine Legislature aligned the process of congressional redistricting through statute with legislative redistricting, and mirrored the language of our Constitution defining how redistricting is done.

This process requires a 2/3 vote of the Legislature to approve redistricting, and if 2/3 support cannot be achieved, then the process is sent to the State Supreme Judicial Court for resolution. It also ensures that each district is formed of compact and contiguous territory and crosses political subdivisions the least number of times necessary to establish districts as equally populated as possible.

This process has worked for legislative redistricting, and has worked for Maine for congressional redistricting since 1983.

And, in fact, prior to this Order before us today, this very Legislature has already in 2011 affirmed our commitment to that constitutional process. With our prior support of LD 494, sponsored by the Representative from Belgrade, Representative Keschl, we supported changing the timeline of our redistricting to the year in which the census data is received, and putting the

congressional redistricting in the Constitution as well – again with the provisions for compact, contiguous districts, and 2/3 support required in both chambers and sending it to the State Supreme Judicial Court if agreement is not possible.

So why is all of that relevant to the Order before us today?

Since 1983, Mr. Speaker, Democrats have been in the political majority in this chamber, and for most of that time in the majority in the entire Legislature. Since 1983 congressional redistricting lived only in statute, as it does now, and we were not constitutionally bound to honor the constitutional provision for a 2/3 vote of support, nor the resolution with the State Supreme Judicial Court. We could have done congressional redistricting with a majority vote. We could have violated the spirit of Maine's Constitution, but we did not. We could have changed the statute or used the word "notwithstanding" to bypass the statute, but we did not.

We honored the Constitution, the bipartisan, transparent process with public input, and the appeal to the state's highest court that has worked for Maine all along. Because that was, and is, the right thing to do. And it is in the spirit of our Maine Constitution, which we have all sworn an oath to uphold.

So, Mr. Speaker, I rise to raise this point because – in case you hadn't noticed – Democrats are not in the majority anymore in this body nor in the other body.

But that should not matter when it comes to the process we use for something as important as congressional redistricting.

And while I know and believe it is your intention, Mr. Speaker, and the intention of this body to honor the spirit of our Constitution and the history of redistricting in Maine, it is important that the Legislative Record that accompanies this Joint Order outline this history and, as much as possible, the intention of this Legislature.

Democrats will be active and willing participants in this short-term congressional redistricting in coming months. We will work together to achieve a unanimous vote of the apportionment commission, and a 2/3 legislative vote, and we expect that if that cannot be achieved, that this issue will be sent to the State Supreme Judicial Court. We expect that the Court will take into consideration the plans and briefs filed, the public input and if necessary, will make the apportionment.

And although I have no reason to believe we will not be awarded the same ability to select staff as the minority party has in the past, since this is uncharted territory I wanted to make that expectation clear as well.

And, Mr. Speaker, we believe this is not too much to ask. It's the way it has been done to respect all sides for decades, and most of all the people of Maine and the Constitution of Maine. Joint Orders are not designed to change the law, and changing the rules should not be the intent of this Order – it should be strictly a method to move the provisions already in statute up to the timeline that is required of us this year.

As with the rest of the work we have done this session, Mr. Speaker, the best work we've done, we've done together. Democrats look forward to doing this work together as it has been done in Maine for decades. Thank you, Mr. Speaker.

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. I rise today to speak in support of this Joint Order on reapportionment and to provide some background and context as well.

Recently, a three-judge panel ruled that Maine must move up its scheduled reapportionment of our two congressional districts. Census data showed that the disparity of population between our two districts was more than constitutionally allowable and that the voters of District 1 were underrepresented.

Maine was scheduled to address this through our traditional redistricting process in 2013, but this ruling means we must fall in synch with the other 49 states in the Union and redraw our districts this year.

Republican leadership started this session with a firm commitment to the people of Maine that we would do our best to set aside partisanship and politics, as usual, and adopt a consensus approach to governing. It is in this spirit that we offer this Joint Order.

The Order sets up a bipartisan commission to address the inequities in our congressional districts. The makeup of the commission is truly bipartisan. The Speaker will select three members from his party; the House Minority Leader will select three members from her party. The Senate President will select two members from his party; the Senate Minority Leader will select two members from his party. The chair of the Republican Party and the chair of the Democratic Party will each select one member. Three public members will be selected – one Republican, one Democrat, and the third to be selected by the other two public members. This is clearly as bipartisan a commission as could be imagined.

Today's Joint Order will put into place a sound structure that gives this Legislature the best possible chance at achieving consensus on reapportionment. This Republican majority has taken seriously the call to end the partisanship that has kept us from making the changes necessary to get our state back on track, and we are accumulating a strong bipartisan record throughout this session.

We joined with our colleagues on the other side of the aisle to address Maine's burdensome regulatory environment and passed LD 1, truly landmark legislation, with almost unanimous support in this chamber. When faced with unexpected budgetary challenges, we came together to pass not one but two bipartisan supplemental budgets. Despite facing one of the most difficult set of financial challenges in recent memory, we kept our promise and passed the bipartisan biennial budget. Republicans and Democrats worked together this session as responsible stewards of this economy and the result is a body of accomplishment that will make Maine a better place.

Redistricting can be a tricky business and efforts in the past have often fallen prey to partisanship. With this bipartisan approach, we can avoid that fate. By setting up a fair, bipartisan structure, this Joint Order sets us on the path to a consensus agreement. I ask that you vote in support of this measure and help us address this challenge in the most responsible way possible. Thank you, Mr. Speaker.

Subsequently, the Joint Order was **PASSED**.

Sent for concurrence.

On motion of Representative HAMPER of Oxford, the following House Order: (H.O. 27)

ORDERED, that Representative Ralph Chapman of Brooksville be excused June 3 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Douglas K. Damon of Bangor be excused June 9 and 10 for personal reasons.

READ and **PASSED**.

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

ENACTORS

Emergency Measure

An Act To Correct Errors and Inconsistencies in the Laws of Maine

(H.P. 1089) (L.D. 1480)
(H. "A" H-657 to C. "A" H-656)

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

On motion of Representative NASS of Acton, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-656) as Amended by House Amendment "A" (H-657)** thereto was **ADOPTED**.

The further motion of the same Representative, Joint Rule 311 was **SUSPENDED** for the purpose of offering amendments.

The same Representative **PRESENTED House Amendment "B" (H-667)** to **Committee Amendment "A" (H-656)**, which was **READ** by the Clerk and **ADOPTED**.

The same Representative **PRESENTED House Amendment "C" (H-668)** to **Committee Amendment "A" (H-656)**, which was **READ** by the Clerk and **ADOPTED**.

The same Representative **PRESENTED House Amendment "D" (H-669)** to **Committee Amendment "A" (H-656)**, which was **READ** by the Clerk and **ADOPTED**.

The same Representative **PRESENTED House Amendment "E" (H-670)** to **Committee Amendment "A" (H-656)**, which was **READ** by the Clerk and **ADOPTED**.

The same Representative **PRESENTED House Amendment "F" (H-674)** to **Committee Amendment "A" (H-656)**, which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-656) as Amended by House Amendments "A" (H-657), **"B" (H-667)**, **"C" (H-668)**, **"D" (H-669)**, **"E" (H-670)**, and **"F" (H-674)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-656) as Amended by House Amendments "A" (H-657)**, **"B" (H-667)**, **"C" (H-668)**, **"D" (H-669)**, **"E" (H-670)**, and **"F" (H-674)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

Acts

An Act To Provide an Income Tax Credit for Persons Engaged in Commercial Forestry

(S.P. 100) (L.D. 338)
(H. "B" H-339)

An Act To Provide for the 2011 and 2012 Allocations of the State Ceiling on Private Activity Bonds

(H.P. 627) (L.D. 830)
(C. "A" H-665)

An Act To Allow Retired Dentists To Obtain a License To Practice in Nonprofit Clinics

(H.P. 1155) (L.D. 1573)
(C. "A" H-397; H. "A" H-658)

An Act To Provide Oversight in Certain Negotiations

(H.P. 1168) (L.D. 1583)
(C. "A" H-662)

An Act To Provide Further Improvements to Maine's Health Insurance Law

(H.P. 1185) (L.D. 1587)

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

Resolves

Resolve, To Study the Cost of Providing Behavioral Health Care and Substance Abuse Services

(H.P. 711) (L.D. 967)
(H. "A" H-663 to C. "A" H-424)

Resolve, To Evaluate the All-payor Claims Database System for the State

(H.P. 1076) (L.D. 1467)
(C. "A" H-655)

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

An Act To Restore Market-based Competition for Pharmacy Benefits Management Services

(H.P. 828) (L.D. 1116)
(C. "A" H-608)

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

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

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

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

The SPEAKER: 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. 208

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

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

ABSENT - Bickford, Bryant, Driscoll, Duchesne, Eves, Newendyke, Rotundo, Stuckey, Wagner R, Welsh, Wintle.

Yes, 77; No, 62; Absent, 11; Vacant, 1; Excused, 0.

77 having voted in the affirmative and 62 voted in the negative, 1 vacancy with 11 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Promote Fair and Efficient Resolutions in Tax Disputes

(H.P. 1010) (L.D. 1371)
(H. "A" H-660 to C. "A" H-629)

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

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

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

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

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. The bill before us, which I hope will be up on the screen as well soon, is one that I like a portion of but I must rise in opposition to its passage because, overall, I'm afraid that LD 1371 is at best a misguided policy and at worst one that will open a back door to multimillion dollar corporate tax evasion and will provide a massive jobs program for dozens, perhaps hundreds, of corporate tax lawyers. And will furthermore tie the hands of Maine Revenue Services and our Attorney General in ensuring fair and consistent outcomes for all Maine taxpayers, and particularly, Mr. Speaker, for the small taxpayers, the small businesses who very often need the assistance of Maine Revenue Services in clarifying their tax status.

LD 1371 short-circuits the appeals process that is currently used at Maine Revenue Services to determine the tax liability of Maine taxpayers. As written and as recently amended, and I want to pause for a moment in great respect to my good House chair and apologize for the confusion that arose, I think it was no one's fault, quite frankly, but some of the confusion around the amendment to the bill as it was introduced. But the amendment, it needs to be noted, will increase fees for filers who wish to appeal the findings of Maine Revenue Services and the fiscal note reflects that to the tune of about $15,000. So it will not only increase fees for small filers who are looking for assistance and clarity, but it will also, for all businesses, expose their confidential competitive business information by making available the details of their tax filings.

Now I should note that the bill does allow the name of a taxpayer to be blacked out, to be inked out, but because of the ability of anyone under this legislation to access the details of the tax filings and because Maine is a small state, it will now be very easy if we go forward for a business to lose its privately held competitive information. By short-circuiting the process that Maine Revenue Services now uses and by asking Revenue Services to do so with no additional staff, we will be allowing those who have the means to do so to essentially walk all over our small state's tax professionals. But the people that they have held the hands of and have worked with carefully will be the losers, so larger multinational corporations will do very well under this legislation, small Maine owned businesses will do extremely poorly.

I have a question which I will not pose through the Chair, but I will throw it out nonetheless and that is, what specific evidence of a problem exists? There was no clear evidence of a problem presented to our committee that this bill before us would solve. No evidence of a problem that this bill would solve other than some specific circumstances that were mentioned, that were fixed in the budget. We have taken care of some things in the budget where certain businesses thought they didn't have to pay tax on something. We've learned that they did. We took care of those in the budget. So nothing that this bill does would actually accomplish anything that our committee has heard about.

I have another question which is somewhat delicate, but I need to ask it because it is important. The question is why has our acting state tax assessor been demoted? The acting assessor for Maine Revenue Services spoke very frankly with our committee on mic when we were working this bill in the Taxation Committee and said, in effect, that LD 1371 simply rolled out the red carpet for multimillion dollar corporate tax evaders and would prevent Maine Revenue Services from doing their job for the smaller taxpayers of Maine and collecting taxes on a level playing field. Again, he was incredibly frank and you could have heard a pin drop in that committee room when he spoke. He was then demoted. We found out two weeks later that the acting tax assessor would be demoted to deputy assessor…

The SPEAKER: Will the Representative defer. The Chair recognizes the Representative from York, Representative Moulton.

Representative **MOULTON**: Mr. Speaker, what relationship exists between bill 10-5 under consideration and the state tax assessor?

On **POINT OF ORDER,** Representative MOULTON of York asked the Chair if the remarks of Representative BERRY of Bowdoinham were germane to the pending question.

The SPEAKER: The Chair would ask the member to confine his remarks to the issue at hand, and if he is in fact doing that, Representative Berry may continue.

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

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

Representative **BERRY**: Thank you, Mr. Speaker. In case it wasn't heard, it was during the work session on LD 1371, the bill before us, and I do hope, Mr. Speaker, that we can fix the board…

The SPEAKER: The Chair would advise the member that we're having problems with the computer. We're rebooting it. We hope to have it up there. I would guess we will have it up before the debate is over.

The Chair recognizes the Representative from Bowdoinham, Representative Berry.

Representative **BERRY**: Thank you, Mr. Speaker. Again, it's LD 1371. I'll do my best to keep your promise. When we were working this bill in committee, Mr. Speaker, the acting assessor spoke of corporate representatives from out of state wining and dining a chief executive and of this legislation being the object of that activity, and he spoke of the purpose of this legislation being, in essence, corporate tax evasion and a jobs bill for hundreds of tax lawyers, at the states mind you. Two weeks later, we received news that he was being demoted. I say that only because I am very concerned that the ability of our executive branch employees as well as our legislative employees to speak frankly and to tell us their honest understandings and assessments of legislation may be harmed if we go forward with this questionable bill, for which, as I have stated, there has been no evidence of a problem that needs to be solved.

And I will say one last thing before I sit down. There is no other state that has a structure similar to the one that we would

be creating here in Maine for the appeals process if we go forward with this legislation. Maine's unique approach, if we created this legislation, will be to go immediately from the decision of one tax professional to a legal preceding in which other professionals, the state assessor himself, general counsel, the tax division of origin director, the Attorney General's office are unable to help ensure that the best decision is made. In other states that have a sales tax, and this is where many of these cases originate, in the sales tax division, in other states that have a sales tax there is no similar structure. So, Mr. Speaker, I'm afraid that we are wading very quickly into very deep and unchartered waters with this bill. I think we need to pull back and understand more fully what it is that we're on the verge of enacting. And again, I urge that the body vote down the pending motion on LD 1371. 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 actually had some prepared remarks a week, a week and a half, two weeks ago on this bill, but I guess I wasn't expecting it to come to the floor.

The State of Maine has a system currently, by the way I have to take umbrage of some of the comments made by my good friend from Bowdoinham, but this bill is really not for the big corporations. It is really for Ma and Pa Kettle and small businesses. The current process here in the State of Maine is if you have a problem with Maine Revenue Services, the tax assessor who has determined you have an issue would be the same folks that currently are assessing, would be the folks you'd go before to determine whether or not that your appellate process is in order. I mean it's like having a judge, jury and hangman all be the same people. This bill actually puts a wall, if you will, between the current tax assessor and the folks that would listen to any kind of appellate process you might have. Representative Berry is correct when he says we aren't expecting additional people to be working in Maine Revenue Services. That's correct. The same individuals that would be hearing your case would be the same individuals probably hearing it in the future. The difference is these people would be reporting to the commissioner of finance rather than the tax assessor, so there will be a line of demarcation, if you will, there will be a break. You might actually get a fair hearing before Revenue Services and that's the intent of the bill, to give the small business and we as individuals, couples, if you've got an issue with the bureau, a chance to have an independent voice or independent set of ears really hear your situation.

The other thing the bill does, it sets up a taxpayer advocate, an individual who would serve as a liaison, if you will, with the department, much like, very similar to that which is currently available in the federal system of Internal Revenue Service. This bill, I believe, is one that brings equity, fairness and a sense of fair play to everyone. This is not, by the way, a Democrat/Republican bill. This is definitely a people's bill for the state and I would hate to see this become a partisan issue because it's not the partisan bill, it never intended to be. I would ask that you, frankly, follow my green light. Vote for a fairer representation for all of us if we ever have an issue, hopefully we never do, with Maine's Revenue Services. Thank you very much, Mr. Speaker.

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. 209

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

NAY - Beaudoin, Beavers, Beck, Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Casavant, Chapman, Chipman, Clark H, Clarke, Cornell du Houx, Dill J, Dion, Eberle, Flemings, Gilbert, Goode, Graham, Hanley, Harlow, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Kent, Kruger, Kumiega, Lajoie, Longstaff, Lovejoy, Luchini, MacDonald, Maloney, Mazurek, McCabe, Morrison, Nelson, O'Brien, Peoples, Peterson, Priest, Rankin, Rochelo, Russell, Sanborn, Stevens, Theriault, Tuttle, Webster.

ABSENT - Bickford, Driscoll, Duchesne, Eves, Newendyke, Rotundo, Stuckey, Wagner R, Welsh, Wintle.

Yes, 82; No, 58; Absent, 10; Vacant, 1; Excused, 0.

82 having voted in the affirmative and 58 voted in the negative, 1 vacancy with 10 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Allow Table Games at a Facility Licensed To Operate Slot Machines on January 1, 2011

(H.P. 1044) (L.D. 1418)

(H. "B" H-659 to C. "A" H-522)

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

On motion of Representative CUSHING of Hampden, was **SET ASIDE**.

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

An Act To Create a Public Charter School Program in Maine

(S.P. 496) (L.D. 1553)

(H. "E" H-637 to C. "A" S-301)

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

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

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

The SPEAKER: 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. 210

YEA - Ayotte, Beliveau, Bennett, Black, Boland, Bolduc, Burns DC, Burns DR, Casavant, Cebra, Chapman, Chase, Cornell du Houx, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dion, Dow, Dunphy, Espling, Fitts, Fitzpatrick, Flood, Fossel, Foster, Fredette, Gifford, Gillway, Graham, Guerin, Hamper, Hanley, Harmon, Harvell, Haskell, Hunt, Johnson D,

Johnson P, Keschl, Knapp, Knight, Kruger, Libby, Long, Longstaff, Maker, Malaby, Maloney, McCabe, McClellan, McKane, Morissette, Moulton, Nass, Nelson, O'Connor, Olsen, Parker, Parry, Peterson, Picchiotti, Pilon, Plummer, Prescott, Richardson D, Richardson W, Rioux, Rosen, Sanderson, Sarty, Sirocki, Strang Burgess, Tilton, Timberlake, Turner, Tuttle, Valentino, Volk, Waterhouse, Weaver, Winsor, Wood, Mr. Speaker.

NAY - Beaudoin, Beaulieu, Beavers, Beck, Berry, Blodgett, Briggs, Bryant, Cain, Carey, Celli, Chipman, Clark H, Clark T, Clarke, Dill J, Eberle, Edgecomb, Flemings, Gilbert, Goode, Harlow, Hayes, Herbig, Hinck, Hogan, Innes Walsh, Kaenrath, Kent, Kumiega, Lajoie, Lovejoy, Luchini, MacDonald, Martin, Mazurek, Morrison, O'Brien, Peoples, Priest, Rankin, Rochelo, Russell, Sanborn, Shaw, Stevens, Theriault, Treat, Webster, Willette A, Willette M.

ABSENT - Bickford, Driscoll, Duchesne, Eves, McFadden, Newendyke, Rotundo, Stuckey, Wagner R, Welsh, Wintle.

Yes, 88; No, 51; Absent, 11; Vacant, 1; Excused, 0.

88 having voted in the affirmative and 51 voted in the negative, 1 vacancy with 11 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

SENATE PAPERS

Non-Concurrent Matter

An Act To Implement the Recommendations of the Criminal Law Advisory Commission Relative to the Maine Criminal Code and Related Statutes

(H.P. 1028) (L.D. 1399)

PASSED TO BE ENACTED in the House on June 15, 2011. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-618)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-618) AS AMENDED BY SENATE AMENDMENT "A" (S-360)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, To Enhance Agriculture and Farming

(H.P. 1058) (L.D. 1444)

FINALLY PASSED in the House on June 8, 2011. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-533)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-533) AS AMENDED BY SENATE AMENDMENT "A" (S-361)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Prohibit the Sale or Possession of So-called Bath Salts Containing Dangerous Synthetic Drugs (EMERGENCY)

(H.P. 1147) (L.D. 1562)

PASSED TO BE ENACTED in the House on June 10, 2011. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-586)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-586) AS AMENDED BY SENATE AMENDMENT "A" (S-362)** thereto in **NON-CONCURRENCE**.

On motion of Representative CUSHING of Hampden, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

Non-Concurrent Matter

An Act Regarding Pharmacy Reimbursement in MaineCare

(H.P. 272) (L.D. 346)

PASSED TO BE ENACTED in the House on June 14, 2011. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-563)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-563) AS AMENDED BY SENATE AMENDMENT "A" (S-345)** thereto in **NON-CONCURRENCE**.

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

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

COMMUNICATIONS

The Following Communication: (H.C. 210)

STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001

June 17, 2011
The 125th Legislature of the State of Maine
State House
Augusta, Maine
Dear Honorable Members of the 125th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 531), "An Act To Specify Qualifications for the Director of the Office of Adult Mental Health Services within the Department of Health and Human Services."

The policy outlined in this bill will ensure that a senior appointed officer in the Office of Adult Mental Health Services will be a licensed psychiatrist. This is an understandable objective and, after reviewing the current organization of the Office, is something I have directed the Commissioner to address moving forward.

In that way, the concerns underlying this piece of legislation will be addressed. I thank the committee for their work on this issue. It is something we will keep in mind as we continue our review of the Department as a whole in order to look for ways to better serve Maine people.

This bill is being returned since, as I have said, we will be conducting a full and thorough review of all State operations, evaluating the best ways to deliver high-quality services to our fellow Mainers at the lowest cost possible. This will likely involve a number of Governor's bills to be submitted in the future to change the statutes for agencies, offices, and departments. With these reform initiatives soon underway, I hope the Legislature understands the need for us to work together on a comprehensive, rather than piecemeal, approach.

For these reasons, I return LD 531 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,
S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**.

The accompanying item An Act To Specify Qualifications for the Director of the Office of Adult Mental Health Services within the Department of Health and Human Services

(H.P. 414) (L.D. 531)

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Sanborn.

Representative **SANBORN**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House. In a communication from our Chief Executive he writes that the policy outlined in this bill will ensure that a senior appointed officer in the Office of Adult Mental Health Services will be a licensed psychiatrist. This is an understandable objective and after reviewing the current organization of the office is something I have directed the commissioner to address moving forward. So I thank the second floor and Commissioner Mayhew for recognizing the importance of the intent of LD 531. Assuming we do not override this veto, I would, and would hope that other members of the Health and Human Services Committee would hold the Chief Executive's feet to the fire, so to speak, to follow through with delivering high quality care to adult and mental health issues by ensuring that a licensed psychiatrist is part of this work force. So thank you for understanding and vote as you will. Thank you.

After reconsideration, the House proceeded to vote on the question, 'Shall this Resolve become a law notwithstanding the objections of the Governor?' A roll call was taken.

The SPEAKER: The pending question before the House is 'Shall this Bill become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 211V

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

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

ABSENT - Bickford, Driscoll, Duchesne, Eves, Innes Walsh, Lovejoy, Newendyke, Rotundo, Stuckey, Wagner R, Welsh, Wintle.

Yes, 63; No, 75; Absent, 12; Vacant, 1; Excused, 0.

63 having voted in the affirmative and 75 voted in the negative, 1 vacancy with 12 being absent, and accordingly the Veto was sustained.

The Following Communication: (H.C. 211)

STATE OF MAINE

OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001

June 17, 2011
The 125th Legislature of the State of Maine
State House
Augusta, Maine
Dear Honorable Members of the 125th Legislature:
Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1290, "Resolve, To Promote Prevention Practices in Oral Health Care."
Oral health is an important issue in Maine and should be studied and addressed in a comprehensive manner to reduce the burden on Maine families and taxpayers for costs which could be contained. The Legislature passed LD 1105 to work on this exact issue. It will become law to provide that information and allow my administration and the Legislature to work together going forward to ensure that we appropriately address this issue.
This Resolve affirmatively requires new programs be created within the Department of Health and Human Services without adding additional funds to do so. As members of the Legislature know, that Department has a large number of mandates on how its funds are spent, both at the State and Federal level. There is a very limited amount of discretionary funds available and the so-called "minor cost increases" in a number of these Resolves add up very quickly. In this time of fiscal restraint, we must not create new programs — however well-intentioned — on the fly and without funding. Let the Legislative Council do its work under LD 1105 so that we are all have the necessary information to make informed decisions and do right by the people of Maine.
For these reasons, I return LD 1290 unsigned and vetoed. I strongly urge the Legislature to sustain it.
Sincerely,
S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**.

The accompanying item Resolve, To Promote Prevention Practices in Oral Health Care

(H.P. 945) (L.D. 1290)
(C. "A" H-411)

After reconsideration, the House proceeded to vote on the question, 'Shall this Resolve become a law notwithstanding the objections of the Governor?' A roll call was taken.

The SPEAKER: The pending question before the House is 'Shall this Resolve become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 212V

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

NAY - Ayotte, Beaulieu, Bennett, Black, Burns DC, Burns DR, Cebra, Celli, Chase, Clark T, 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, O'Connor, Olsen, Parker, Parry, Picchiotti, Plummer, Prescott, Richardson D, Richardson W, Rioux, Rosen, Sanderson, Sarty, Sirocki, Tilton, Timberlake, Turner, Waterhouse, Weaver, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

ABSENT - Bickford, Driscoll, Duchesne, Eves, Innes Walsh, Lovejoy, Newendyke, Rotundo, Stuckey, Wagner R, Welsh, Wintle.

Yes, 66; No, 72; Absent, 12; Vacant, 1; Excused, 0.

66 having voted in the affirmative and 72 voted in the negative, 1 vacancy with 12 being absent, and accordingly the Veto was sustained.

The Following Communication: (H.C. 212)

STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001

June 17, 2011
The 125th Legislature of the State of Maine
State House
Augusta, Maine
Dear Honorable Members of the 125th Legislature:
Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1139, "Resolve, To Promote Instruction in Cardiopulmonary Resuscitation and the Use of an Automated External Defibrillator."
CPR is an important life-saving technique and I encourage all Maine citizens to undertake training so that we, the people of Maine, are prepared in an emergency. Further, Automated External Defibrillators have saved a number of lives over the years and should be at the ready during large public gatherings.
However, this Resolve is a broad one and directs two major agencies of State Government — the Center for Disease Control and Prevention and the Department of Education — to undertake substantial efforts to study the issues and produce reports. In order for the State to complete those tasks in a comprehensive manner, there will be costs beyond the "minor cost increase" mentioned in the fiscal note. I do not believe such major issues will have only minor costs. If the Legislature would appropriate the necessary funds to complete the tasks outlined in this Resolve, or direct Legislative staff to carry out these directives, then I would happily sign it. Until then, I cannot sign this Resolve and expend the limited resources of major agencies when the issue deserves more.
For these reasons, I return LD 1139 unsigned and vetoed. I strongly urge the Legislature to sustain it.
Sincerely,
S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**.

The accompanying item Resolve, To Promote Instruction in Cardiopulmonary Resuscitation and the Use of an Automated External Defibrillator

(H.P. 845) (L.D. 1139)
(C. "A" H-387)

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

Representative **GRAHAM**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I stand in strong opposition to the veto of LD 1139, a "Resolve, To Promote Instruction in Cardiopulmonary Resuscitation and the Use of an Automated External Defibrillator." Why did I submit this bill? Well, that is quite simple: to save lives. One of the leading causes of death in this country is sudden cardiac arrest. We know that the sooner a victim of a heart attack is attended to, the better chance of survival. I venture to say that some of my House colleagues have encountered such an event for their family member, a friend, or themselves. This bill, that became eventually a Resolve, would promote the instruction of CPR and the use of an AED. Luke, a high school junior, is a constituent and a former patient of mine who saved his Pepe's life by knowing how to use an AED and do CPR. He learned this in his high school health class. His Pepe collapsed at Luke's sister's high school play. With Luke's knowledge he literally helped save his Pepe's life. Then there is Mora who lost her child at the age of 14 when he collapsed and died during a cross country race. Most likely that was due to a cardiac arrhythmia. This tragic event occurred seven years ago. Luke and Mora took time off from school and work respectively to testify before the Education Committee. Luke's Pepe was at the hearing and Luke boldly asked us to help his fellow students learn this valuable lesson too. Mora had the entire committee in tears as she begged us to never let this senseless loss of another child or any person happen again.

No one testified against this bill. The Department of Education and the Education Committee suggested that this bill become a Resolve to, one, avoid a mandate, and two, have no or minimal fiscal note. The vote was a unanimous vote of support out of committee and it passed unanimously under the hammer in the House and other body. Here is what I really don't understand. Why does a bill that receives unanimous support from the Education Committee, the House, and the other body get vetoed? Why, when 186 members of both bodies of the Legislature support a bill unanimously, does one individual think it is necessary to veto it? Why does a bill get vetoed when the Chief Executive's Department of Education supported it? Why does a bill that has a minor fiscal note, meaning additional costs to the Department of Education and the Department of Health and Human Services to gather required information and submit the required report can be absorbed within existing budgeted resources, why does it get vetoed? Why does a bill, I mean a Resolve, that will save people's lives get vetoed? I ask you, Mr. Speaker, Friends and Colleagues of the House, please vote to override this veto. Do it for your family, your friends and, who knows, even to help yourself to survive a heart attack. It is the right thing to do. I thank you, Mr. Speaker.

After reconsideration, the House proceeded to vote on the question, 'Shall this Resolve become a law notwithstanding the objections of the Governor?' A roll call was taken.

The SPEAKER: The pending question before the House is 'Shall this Resolve become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 213V

YEA - Beaudoin, Beaulieu, Beavers, Beck, Beliveau, Bennett, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Casavant, Celli, Chapman, Chipman, Clark H, Clarke, Cornell du Houx, Dill J, Dion, Dunphy, Eberle, Fitzpatrick, Flemings, Flood, Gilbert, Goode, Graham, Harlow, Harmon, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Kaenrath, Kent, Keschl, Knight, Kruger, Kumiega, Lajoie, Longstaff, Luchini, MacDonald, Maker, Malaby, Maloney, Martin, Mazurek, McCabe,

McClellan, Morrison, Moulton, Nass, Nelson, Peoples, Peterson, Pilon, Priest, Rankin, Rochelo, Rosen, Russell, Sanborn, Shaw, Stevens, Strang Burgess, Theriault, Treat, Tuttle, Valentino, Volk, Webster.

NAY - Ayotte, Black, Burns DC, Burns DR, Cebra, Chase, Clark T, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dow, Edgecomb, Espling, Fitts, Fossel, Foster, Fredette, Gifford, Gillway, Guerin, Hamper, Hanley, Harvell, Johnson D, Johnson P, Knapp, Libby, Long, McFadden, McKane, Morissette, O'Brien, O'Connor, Olsen, Parker, Parry, Picchiotti, Plummer, Prescott, Richardson D, Richardson W, Rioux, Sanderson, Sarty, Sirocki, Tilton, Timberlake, Turner, Waterhouse, Weaver, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

ABSENT - Bickford, Driscoll, Duchesne, Eves, Innes Walsh, Lovejoy, Newendyke, Rotundo, Stuckey, Wagner R, Welsh, Wintle.

Yes, 78; No, 60; Absent, 12; Vacant, 1; Excused, 0.

78 having voted in the affirmative and 60 voted in the negative, 1 vacancy with 12 being absent, and accordingly the Veto was sustained.

The Following Communication: (H.C. 213)

STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001

June 20, 2011
The 125th Legislature of the State of Maine
State House
Augusta, Maine
Dear Honorable Members of the 125th Legislature:
Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 296, "Resolve, Directing the State Bureau of Identification To Continue To Explore Contracting Options and Other Methods To Find Efficiencies in the Fingerprinting System for Criminal History Background Checks."
This Resolve's fiscal note claims there will be only a "minor cost increase" for three separate departments. I believe that is incorrect. In order to thoroughly conduct the study called for, the leadership of each Department would have to remove themselves from their normal duties to draft reports for the Legislature. As I have said before, these "minor costs" add up quickly and we cannot continue to heap straw on the camels' backs.
The exploration of contracting out processes of Government to the private sector is something that I am directing all State departments to assess throughout their operations. Where something can be done more quickly, at lower cost, and with higher-quality through contracting, we will find ways to move that operation to the private sector and reduce the burden on Maine taxpayers. I agree with the Legislature that the fingerprinting process may be one such area where savings can be found. Please know that the Commissioner and his staff will be looking at this area closely. If it makes sense for Maine, my administration will work with the Legislature to make sure the policy in the original draft of LD 296 — when it was still an Act — will be implemented.
For these reasons, I return LD 296 unsigned and vetoed. I strongly urge the Legislature to sustain it.
Sincerely,
S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**.

The accompanying item Resolve, Directing the State Bureau of Identification To Continue To Explore Contracting Options and Other Methods To Find Efficiencies in the Fingerprinting System for Criminal History Background Checks

(H.P. 240) (L.D. 296)
(C. "A" H-528)

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. When the good Representative from Topsham brought this bill forward to us, I was interested because the title of the bill had cost savings and efficiencies in it. I was interested in listening to hear about how we could do that with fingerprinting. During the course of the public hearing and the work session, we heard a lot of information about who is taking fingerprints, how it's being done. We also learned some things about new technology which is coming forward, which may make it more cost efficient to do fingerprinting, different ways to do it. The suggestion was perhaps this did not need to, by law, and I repeat that, by law it's restricted to the State Police who are doing these fingerprints for these teachers. There was a consideration that maybe we ought to be able to do these a little more locally, that there were county and local officials, law enforcement officials well versed in being able to take fingerprints, no reason not to, and we, since once again this is restricted by law, the committee, not unanimously but by a wide margin, a bipartisan margin, sent forward this Resolve which would ask the departments to continue to do the work that they were doing and simply tell us, let us know what would be a very efficient way to do this so that we might be able to address the fact that this is limited in state law.

This Resolve also gave us the option of introducing a bill next session, should some real answers come forward that we might be able to implement. So we were looking forward to that opportunity. In the veto message, the Chief Executive very rightly indicates that there is more that can be done and that the departments ought to be assessing these through this operation. I think it's unfortunate that we won't be able to act on that from the perspective of the committee without the authority to put out a bill to implement those recommendations. So it occurs to me that it's very common sense to provide this opportunity for us to take a look at the most efficient and cost-effective way to provide this fingerprinting service that is required of so many folks, and I would hope that you would vote yes on this in order to have this bill go forward and not sustain the veto of the Chief Executive. Thank you.

After reconsideration, the House proceeded to vote on the question, 'Shall this Resolve become a law notwithstanding the objections of the Governor?' A roll call was taken.

The SPEAKER: The pending question before the House is 'Shall this Resolve become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 214V

YEA - Beaudoin, Beavers, Beck, Beliveau, Bennett, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Casavant, Chapman, Chipman, Clark H, Clarke, Cornell du Houx, Dill J, Dion, Eberle, Flemings, Gilbert, Goode, Graham, Hanley, Harlow, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Kaenrath, Kent, Keschl, Knight, Kruger, Kumiega, Lajoie, Longstaff, Luchini, MacDonald, Maker, Maloney, Martin, Mazurek, McCabe, McFadden, Morrison, Moulton, Nelson, O'Brien, Peoples, Peterson, Pilon, Priest, Rankin, Richardson W,

Rochelo, Russell, Sanborn, Shaw, Stevens, Strang Burgess, Theriault, Treat, Tuttle, Valentino, Webster.

NAY - Ayotte, Beaulieu, Black, Burns DC, Burns DR, 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, Knapp, Libby, Long, Malaby, McClellan, McKane, Morissette, Nass, O'Connor, Olsen, Parker, Parry, Picchiotti, Plummer, Prescott, Richardson D, Rioux, Rosen, Sanderson, Sarty, Sirocki, Tilton, Timberlake, Turner, Volk, Waterhouse, Weaver, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

ABSENT - Bickford, Celli, Driscoll, Duchesne, Eves, Lovejoy, Newendyke, Rotundo, Stuckey, Wagner R, Welsh, Wintle.

Yes, 72; No, 66; Absent, 12; Vacant, 1; Excused, 0.

72 having voted in the affirmative and 66 voted in the negative, 1 vacancy with 12 being absent, and accordingly the Veto was sustained.

The Following Communication: (H.C. 214)

STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001

June 23, 2011
The 125th Legislature of the State of Maine
State House
Augusta, Maine
Dear Honorable Members of the 125th Legislature:
Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 547, "Resolve, Directing the Maine Center for Disease Control and Prevention To Conduct a Review of Wood Smoke Laws."
As members of the Legislature know, unfunded Resolves expend the resources of State Government on studies when the efforts of agencies would be better utilized undertaking their core missions and finding ways to do things better, delivering higher-quality services with a lower-cost to taxpayers. This is especially true as my Administration moves its efforts away from the Legislative session and towards finding new ways to organize and operate the State.
Further, I am concerned this Resolve will have a chilling effect on Maine citizens and businesses. For hundreds of years, people have utilized the wood found in Maine's great forests as an all-natural, renewable heating substance. They have consistently found new and better ways to both steward the forests sustainably and increase the efficiency and ease-of-use of wood as a fuel. Passage of this Resolve would signal that our proud history may be waning. That is something I cannot condone.
For these reasons, I return LD 547 unsigned and vetoed. I strongly urge the Legislature to sustain it.
Sincerely,
S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**.

The accompanying item Resolve, Directing the Maine Center for Disease Control and Prevention To Conduct a Review of Wood Smoke Laws

(H.P. 430) (L.D. 547)
(C. "A" H-407; S. "A" S-296)

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 rise as the sponsor of this legislation and I want to begin with the same question that was asked by the good Representative from North Yarmouth, why does a bill that will save lives get vetoed? The bill subject to veto that is now before us also had the unanimous Committee Report and the Executive Branch agency which testified on the legislation testified neither for nor against, raising three objections, all of which were taken care of by the committee prior to their unanimous Committee Report. I want to thank the Committee on Health and Human Services for their excellent work to save lives or, perhaps, to try to save lives through this legislation.

I want to correct a misconception that I fear has been perpetrated simply through an accidental title change as part of those changes in committee and it is the portion of the title relating to wood smoke that I think may have caused some of that misunderstanding. I would under no circumstances ever support a bill which prevented Mainers or even suggested that Mainers should not burn wood. I grew up burning wood. My fondest memories and some of my least fondest memories are of stacking the family wood box and helping my parents or uncles or grandfathers to cut the wood in the family woodlot. I have since learned to love the work and I cut wood on my own property. I have two wood stoves, a Russian fireplace. My parents use wood cook stoves, fireplaces, and my father has an outdoor wood boiler. If it burns wood, we use it. If it doesn't, we don't. Wood is a symbol of our energy independence in Maine and rightfully so. We should be burning wood here in Maine. It's a native resource. And again, I would never support a bill, much less sponsor one, which in any way inhibited our right to native fuels and energy independence. This bill is very different. It's about saving lives. Let me explain.

Four years ago, this body and the other and the Executive fixed a problem which was a new generation of wood burning machines, outdoor wood boilers they were called, some of which functioned very poorly and belched acrid brown smoke. It's a large firebox. Some of the designs you fill them with wood, you packed them full of wood and they smoldered and smoldered and smoldered and starved the fire for oxygen until the system called for heat, and then it would fire up and the creosote that accumulated through the smoldering of the wood burns off. When properly sited, even the poorly designed units are fine. But in a handful of cases, a few dozen cases around the state, there remain some issues. We fixed the problem going forward but we grandfathered some existing units that were harder to assess.

This Resolve would coordinate local public health officers, the Department of Environmental Protection, the CDC, affected parties to try to get to the bottom of the problem that has existed since, which is that when people call the State of Maine or their local health officer, they get the runaround. Those who are most affected, those who are living with acrid brown smoke in their lives, who are developing heart arrhythmias, who are developing lung cancer, who are showing signs of asthma, whose doctors say yes, it is because of the boiler next to you – and again, this is only a handful of cases – these folks are getting the bureaucratic runaround.

I wouldn't have brought the bill forward if Maine Lung Association had not asked me to do so because of their concerns around heart disease and lung disease and bureaucratic entanglements and inaction that in these handful of cases the State of Maine has been unable to address, but they did ask me to and so I did bring the bill forward. I want to thank them for trying to help these people.

I want to thank again the committee for their work and their

unanimous report to try to address this handful of problems around the state. It is only a study, so it will only result in recommendations that this body may act on or not act on. But it's really getting down to the question of where does the buck stop and whose job is it to respond when the laws that we do have on the books regarding public health nuisances are being violated. So thank you, Mr. Speaker. I do hope that we can vote green at this time and allow this bill, this good Resolve, and the good work of the committee and the Maine Lung Association and those who have distributed blue and yellow handouts on our desks to go forward. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Sanborn.

Representative **SANBORN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I feel that LD 547 is a very misunderstood bill. It's a good bill and it's a necessary bill. As the Representative from Bowdoinham indicated, it's misunderstood because it is considered both a public health nuisance bill or law and nuisance really makes light of the fact of how serious the health complications from the wood smoke from these outdoor wood boilers are. These boilers emit heavy particulate matter, and if you are living next door to a home that is using one of these that is not functioning well, it can totally invade your indoor space, make it difficult to breathe, be associated with asthma and other chronic lung disease and heart conditions, and it is something that just cannot be tolerated and that the neighbor of the outdoor wood boiler owner has no control over and cannot help themselves.

I also agree that it's misleading that it talks about wood smoke when some people had the idea that we were trying to encourage people not to burn wood at all. Wood is a sustainable, renewable energy source that I support and have used in my household for the last 30 years. The Maine CDC and the Department of Environmental Protection are both needed in the process. The CDC best understands the risks but cannot quantitate the particulate matter and other toxins that are emitted by these wood boilers. The DEP can do the required measurements but don't have the medical insight to know what to do or how to help these families. So this problem is not going to go away if we don't take any action. Taxpayer dollars have already been expended to get this bill through the legislative process. Stakeholders, the CDC, DEP, local public health officers and the Maine Lung Association, as well as others, need to get together and decide how best to address this serious problem for just these few residents that are exposed to these poorly functioning outdoor wood burners. It is pretty clear from our communication from the second floor that this bill was misunderstood at that level. It is our job as the Legislature to listen to the committee that unanimously approved this bill and suggested that it be passed to the Legislature. It's our job as a Legislature to override this veto and I would encourage you all to help do that. Thank you.

After reconsideration, the House proceeded to vote on the question, 'Shall this Resolve become a law notwithstanding the objections of the Governor?' A roll call was taken.

The SPEAKER: The pending question before the House is 'Shall this Resolve become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 215V

YEA - Beaudoin, Beaulieu, Beavers, Beck, Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Casavant, Chapman, Chipman, Clark H, Clarke, Cornell du Houx, Damon, Dill J, Dion, Eberle, Flemings, Fossel, Gilbert, Goode, Graham, Harlow, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Kaenrath, Kent, Keschl, Knapp, Kruger, Kumiega, Lajoie, Luchini, MacDonald, Malaby, Maloney, Martin, Mazurek, McCabe, Morrison, Moulton, Nelson, O'Brien, Peoples, Peterson, Pilon, Prescott, Priest, Rankin, Richardson D, Richardson W, Rochelo, Russell, Sanborn, Sirocki, Stevens, Strang Burgess, Treat, Tuttle, Valentino, Volk, Webster.

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

ABSENT - Bickford, Driscoll, Duchesne, Eves, Lovejoy, Newendyke, Rotundo, Stuckey, Wagner R, Welsh, Wintle.

Yes, 73; No, 66; Absent, 11; Vacant, 1; Excused, 0.

73 having voted in the affirmative and 66 voted in the negative, 1 vacancy with 11 being absent, and accordingly the Veto was sustained.

The Following Communication: (H.C. 215)

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

June 16, 2011
The Honorable Heather J.R. Priest
Clerk of the House
2 State House Station
Augusta, Maine 04333-0002
Dear Clerk Priest:
Pursuant to my authority under House Rule 201.1 (I) (a), I have temporarily appointed Representative Emily Ann Cain of Orono as a member of the Joint Standing Committee on Appropriations and Financial Affairs beginning at 7:00 p.m. this evening to replace Representative Margaret R. Rotundo of Lewiston.
Should you have any questions regarding this matter, please do not hesitate to contact me.
Sincerely,
S/Robert W. Nutting
Speaker of the House

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (H.C. 216)

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

June 16, 2011
The Honorable Heather J.R. Priest
Clerk of the House
2 State House Station
Augusta, Maine 04333
Dear Clerk Priest:
Pursuant to my authority under House Rule 201.1 (I) (a), I have temporarily appointed myself, Robert W. Nutting of Oakland as a member of the Joint Standing Committee on Appropriations and Financial Affairs beginning at 7:00 p.m. this evening to replace Representative Tom J. Winsor of Norway.

Should you have any questions regarding this matter, please do not hesitate to contact me.
Sincerely,
S/Robert W. Nutting
Speaker of the House
READ and **ORDERED PLACED ON FILE**.

The Following Communication: (H.C. 217)

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

June 17, 2011
The Honorable Heather J.R. Priest
Clerk of the House
2 State House Station
Augusta, Maine 04333
Dear Clerk Priest:
Pursuant to my authority under House Rule 201.1 (I) (a), I have reappointed Representative Margaret R. Rotundo of Lewiston as a member of the Joint Standing Committee on Appropriations and Financial Affairs and am rescinding the temporary appointment of Representative Emily Ann Cain of Orono.
Should you have any questions regarding this matter, please do not hesitate to contact me.
Sincerely,
S/Robert W. Nutting
Speaker of the House
READ and **ORDERED PLACED ON FILE**.

The Following Communication: (H.C. 218)

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

June 17, 2011
The Honorable Heather J.R. Priest
Clerk of the House
2 State House Station
Augusta, Maine 04333
Dear Clerk Priest:
Pursuant to my authority under House Rule 201.1 (I) (a), I have reappointed Representative Tom J. Winsor of Norway as a member of the Joint Standing Committee on Appropriations and Financial Affairs and am rescinding the temporary appointment of Representative Robert W. Nutting of Oakland.
Should you have any questions regarding this matter, please do not hesitate to contact me.
Sincerely,
S/Robert W. Nutting
Speaker of the House
READ and **ORDERED PLACED ON FILE**.

The Following Communication: (H.C. 219)

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

June 20, 2011
The Honorable Heather J.R. Priest
Clerk of the House
2 State House Station
Augusta, Maine 04333
Dear Clerk Priest:
Pursuant to my authority under 3 MRSA §168-B, I am pleased to appoint Representative Louis J. Luchini of Ellsworth to the Legislative Youth Advisory Council.
Please let me know if you have any questions regarding this appointment.
Sincerely,
S/Robert W. Nutting
Speaker of the House
READ and **ORDERED PLACED ON FILE**.

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

ENACTORS

Acts

An Act To Reform Telecommunications Taxation
(H.P. 334) (L.D. 441)
(S. "A" S-347 to C. "A" H-477)

An Act To Appropriate Funds for the Maine Downtown Center
(S.P. 176) (L.D. 584)
(C. "A" S-37; S. "A" S-348)

An Act To Modify the Process Regarding the Return of Unfit Tobacco Products
(S.P. 198) (L.D. 617)
(S. "A" S-349 to C. "A" S-125)

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.

Emergency Measure

An Act Regarding the Saltwater Recreational Fishing Registry
(S.P. 60) (L.D. 210)
(S. "B" S-147 and S. "C" S-343 to C. "A" S-136)

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. 110 voted in favor of the same and 15 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Provide Sales Tax Exemption or Refund on Parts and Supplies Purchased To Operate Windjammers
(H.P. 52) (L.D. 59)
(C. "A" H-72; S. "A" S-338)

An Act To Extend the Dental Care Access Credit for Dentists Who Practice in Underserved Areas of the State
(H.P. 141) (L.D. 164)
(S. "A" S-341 to C. "A" H-35)

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.

Acts

An Act To Make Certain Synthetic Cannabinoids Illegal
(H.P. 673) (L.D. 914)
(S. "A" S-351 to C. "A" H-293)

An Act Regarding the Use of Methadone by Operators of Commercial Motor Vehicles

(H.P. 710) (L.D. 966)
(S. "A" S-352 to C. "A" H-254)

An Act To Provide Administrative Support to the Citizen Trade Policy Commission

(H.P. 716) (L.D. 972)
(C. "A" H-249; S. "A" S-353)

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.

Acts

An Act To Allow Alternative Delivery Methods for Locally Funded School Construction Projects

(H.P. 413) (L.D. 530)
(S. "A" S-325 to C. "A" H-613)

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.

An Act To Legalize the Sale, Possession and Use of Fireworks

(H.P. 71) (L.D. 83)
(S. "A" S-326 to C. "A" H-582)

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

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

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

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

The SPEAKER: 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. 216

YEA - Ayotte, Bennett, Black, Burns DC, Burns DR, Cebra, Celli, Chase, Clark H, Clark T, Cornell du Houx, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dunphy, Edgecomb, Fitts, Fitzpatrick, Fossel, Foster, Fredette, Gifford, Guerin, Hamper, Hanley, Harmon, Harvell, Herbig, Hinck, Johnson D, Johnson P, Keschl, Knight, Libby, Long, Maker, Malaby, McClellan, McFadden, McKane, Morissette, Moulton, Nass, O'Brien, O'Connor, Olsen, Parker, Parry, Peterson, Picchiotti, Plummer, Prescott, Richardson W, Rioux, Rosen, Russell, Sanderson, Sarty, Shaw, Sirocki, Strang Burgess, Tilton, Timberlake, Turner, Tuttle, Volk, Waterhouse, 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, Clarke, Cotta, Dill J, Dion, Dow, Eberle, Espling, Flemings, Flood, Gilbert, Gillway, Goode, Graham, Harlow, Haskell, Hayes, Hogan, Hunt, Innes Walsh, Kaenrath, Kent, Knapp, Kruger, Kumiega, Lajoie, Longstaff, Luchini, MacDonald, Maloney, Martin, Mazurek, McCabe, Morrison, Nelson, Peoples, Pilon, Priest, Rankin, Rochelo, Sanborn, Stevens, Theriault, Treat, Weaver, Webster.

ABSENT - Bickford, Driscoll, Duchesne, Eves, Lovejoy, Newendyke, Richardson D, Rotundo, Stuckey, Valentino, Wagner R, Welsh, Wintle.

Yes, 76; No, 61; Absent, 13; Vacant, 1; Excused, 0.

76 having voted in the affirmative and 61 voted in the negative, 1 vacancy with 13 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

An Act To Allow Table Games at a Facility Licensed To Operate Slot Machines on January 1, 2011

(H.P. 1044) (L.D. 1418)
(H. "B" H-659 to C. "A" H-522)

Which was **TABLED** by Representative CUSHING of Hampden pending **PASSAGE TO BE ENACTED**.

On motion of Representative DAMON of Bangor, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-522) as Amended by House Amendment "B" (H-659)** thereto was **ADOPTED**.

The same Representative **PRESENTED House Amendment "D" (H-675)** to **Committee Amendment "A" (H-522)**, which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-522) as Amended by House Amendments "B" (H-659) and **"D" (H-675)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-522) as Amended by House Amendments "B" (H-659)** and **"D" (H-675)** thereto in **NON-CONCURRENCE** 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:

ENACTORS

Mandate

An Act To Prohibit Bullying and Cyberbullying in Schools

(H.P. 928) (L.D. 1237)
(S. "A" S-357 to C. "A" H-570)

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

Representative CUSHING of Hampden **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

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.

ROLL CALL NO. 217

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Carey, Casavant, Chapman, Chase, Chipman, Clark H, Clarke, Cornell du Houx,

Dill J, Dion, Eberle, Fitts, Flemings, Flood, Fossel, Foster, Gilbert, Goode, Graham, Hanley, Harlow, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Kaenrath, Kent, Keschl, Knight, Kruger, Kumiega, Lajoie, Longstaff, Luchini, MacDonald, Maker, Maloney, Martin, Mazurek, McCabe, McFadden, Morrison, Moulton, Nass, Nelson, O'Brien, Peoples, Peterson, Pilon, Priest, Rankin, Richardson W, Rochelo, Russell, Sanborn, Stevens, Strang Burgess, Theriault, Treat, Tuttle, Valentino, Volk, Weaver, Webster, Winsor, Mr. Speaker.

NAY - Bennett, Black, Burns DC, Cain, Cebra, Celli, Clark T, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dow, Dunphy, Edgecomb, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Hamper, Harmon, Harvell, Johnson D, Johnson P, Knapp, Libby, Long, Malaby, McClellan, McKane, O'Connor, Olsen, Parker, Parry, Picchiotti, Plummer, Prescott, Rioux, Rosen, Sanderson, Sarty, Sirocki, Tilton, Timberlake, Turner, Waterhouse, Willette A, Willette M, Wood.

ABSENT - Bickford, Burns DR, Driscoll, Duchesne, Eves, Innes Walsh, Lovejoy, Morissette, Newendyke, Richardson D, Rotundo, Shaw, Stuckey, Wagner R, Welsh, Wintle.

Yes, 80; No, 54; Absent, 16; Vacant, 1; Excused, 0.

80 having voted in the affirmative and 54 voted in the negative, 1 vacancy with 16 being absent, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED.**

Representative CAIN of Orono moved that the House **RECONSIDER** its action whereby the Bill **FAILED PASSAGE TO BE ENACTED**.

On further motion of the same Representative, **TABLED** pending her motion to **RECONSIDER** whereby the Bill **FAILED PASSAGE TO BE ENACTED** and later today assigned.

Acts

An Act To Increase the Fee Paid to a Funeral Home To Transport a Body at the Request of the State Medical Examiner

(H.P. 955) (L.D. 1303)
(S. "A" S-358 to C. "A" H-239)

An Act To Create Consistency and Fairness in Maine's Bottle Bill

(H.P. 970) (L.D. 1324)
(S. "B" S-359 to C. "A" H-316)

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.

Emergency Measure

Resolve, To Review Issues Dealing with Regulatory Takings

(H.P. 1086) (L.D. 1477)
(S. "A" S-335 to C. "A" H-600)

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. 103 voted in favor of the same and 20 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Resolves

Resolve, To Establish the Blue Ribbon Commission on Affordable Housing

(H.P. 638) (L.D. 841)
(C. "A" H-511; S. "A" S-333)

Resolve, To Study Allocations of the Fund for a Healthy Maine

(H.P. 1144) (L.D. 1558)
(S. "A" S-336 to C. "A" H-417)

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

Emergency Measure

Resolve, To Establish a Task Force on Franco-Americans

(H.P. 486) (L.D. 656)
(S. "A" S-337 to C. "A" H-88)

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. 102 voted in favor of the same and 23 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Establishing the Commission To Study Priorities and Timing of Judicial Proceedings in State Courts

(S.P. 297) (L.D. 951)
(S. "A" S-334 to C. "A" S-213)

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. 89 voted in favor of the same and 37 against, and accordingly the Resolve **FAILED FINAL PASSED**.

Representative CUSHING of Hampden moved that the House **RECONSIDER** its action the Resolve **FAILED FINAL PASSAGE**.

On further motion of the same Representative, **TABLED** pending his motion to **RECONSIDER** whereby the Bill **FAILED FINAL PASSAGE** and later today assigned.

Resolves

Resolve, Directing the Commission on Governmental Ethics and Election Practices To Study Modifying the Maine Clean Election Act

(S.P. 251) (L.D. 848)
(C. "A" S-54; S. "A" S-332)

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

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

On motion of Representative STRANG BURGESS of Cumberland, the House adjourned at 5:13 p.m., until 10:00 a.m., Wednesday, June 29, 2011.