

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
SECOND REGULAR SESSION
27th Legislative Day
Tuesday, March 13, 2012

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

Prayer by Pastor Frank Gleason, IV, Maranatha Assembly Church, Anson.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

SENATE PAPERS

The following Joint Resolution: (S.P. 651)

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE CONGRESS OF THE UNITED STATES TO ADEQUATELY FUND THE LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM

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

WHEREAS, the Low-income Home Energy Assistance Program is a necessary federal program that was created in 1981 to replace a patchwork of federal energy assistance programs that arose from the energy crisis of the 1970s, and since that time this program has helped the people of Maine who need fuel assistance; and

WHEREAS, Maine, one of the most oil-dependent states in the nation, has received \$39,981,695 to fulfill its program obligations, down from \$56,600,000 last year; and

WHEREAS, approximately 64,000 families in Maine receive aid through the Low-income Home Energy Assistance Program, with an average benefit last year of \$804, and 53% of the households served include low-income senior citizens or persons with disabilities; and

WHEREAS, the decrease in funding will disproportionately affect the New England states, which are already facing a 25% increase in the cost of home heating oil this year, and these states have a dire need to have the funding restored; and

WHEREAS, the Low-income Home Energy Assistance Program is crucial to those Maine families who are relying on the federal program to help with weatherization costs for their homes and with winter fuel bills, and this reduction in funding is a devastating blow to people already hit hard by the recession; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge that legislation be enacted by the Congress of the United States to restore funding in the 2013 fiscal year budget to at least \$4,700,000,000, as provided in the 2011 fiscal year budget; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Barack H. Obama, President of the United States, the President of the United States Senate and the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

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

READ and **ADOPTED** in concurrence.

The following Joint Order: (S.P. 638)

ORDERED, the House concurring, that the Joint Standing Committee on State and Local Government shall report out, to the Senate, a bill that relates to commercial resale of county deeds records.

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

READ and **PASSED** in concurrence.

Non-Concurrent Matter

Bill "An Act To Create an Income Tax Return Checkoff To Fund Cancer Screening, Detection and Prevention"

(H.P. 916) (L.D. 1225)

Majority (10) **OUGHT NOT TO PASS** Report of the Committee on **TAXATION READ** and **ACCEPTED** in the House on February 23, 2012.

Came from the Senate with the Minority (1) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-712) in NON-CONCURRENCE**.

Representative CAIN of Orono moved that the House **RECEDE AND CONCUR**.

Representative CURTIS of Madison **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

On motion of Representative KNIGHT of Livermore Falls, **TABLED** pending the motion of Representative CAIN of Orono to **RECEDE AND CONCUR** and later today assigned. (Roll Call Ordered)

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Change the Name of the Governor's Office of Energy Independence and Security"

(H.P. 1386) (L.D. 1872)

Sponsored by Representative COTTA of China. (GOVERNOR'S BILL)

Cosponsored by Representatives: DUNPHY of Embden, MOULTON of York.

Bill "An Act To Provide Transparency in Electricity Pricing for Maine Ratepayers"

(H.P. 1387) (L.D. 1875)

Sponsored by Representative FITTS of Pittsfield. (GOVERNOR'S BILL)

Committee on **ENERGY, UTILITIES AND TECHNOLOGY** suggested and ordered printed.

REFERRED to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.

Sent for concurrence.

Resolve, Creating an Honorable Service Plaque To Honor Maine Veterans

(H.P. 1385) (L.D. 1871)

Sponsored by Representative COTTA of China. (GOVERNOR'S BILL)

Cosponsored by Senator SAVIELLO of Franklin and Representatives: AYOTTE of Caswell, BEAVERS of South Berwick, BOLAND of Sanford, BRIGGS of Mexico, BURNS of Whiting, CLARKE of Bath, CORNELL du HOUX of Brunswick, CURTIS of Madison, DAMON of Bangor, DUNPHY of Embden, ESPLING of New Gloucester, FITZPATRICK of Houlton, GIFFORD of Lincoln, GILLWAY of Searsport, GUERIN of

Glenburn, HANLEY of Gardiner, HARMON of Palermo, HARVELL of Farmington, HAYES of Buckfield, JOHNSON of Eddington, JOHNSON of Greenville, KAENRATH of South Portland, KESCHL of Belgrade, KNAPP of Gorham, KNIGHT of Livermore Falls, LIBBY of Waterboro, LONG of Sherman, LONGSTAFF of Waterville, MAKER of Calais, MALABY of Hancock, MALONEY of Augusta, McCLELLAN of Raymond, McFADDEN of Dennysville, McKANE of Newcastle, MITCHELL of the Penobscot Nation, MONAGHAN-DERRIG of Cape Elizabeth, MORISSETTE of Winslow, MOULTON of York, NEWENDYKE of Litchfield, Speaker NUTTING of Oakland, O'CONNOR of Berwick, OLSEN of Phippsburg, PARKER of Veazie, PARRY of Arundel, PLUMMER of Windham, SANDERSON of Chelsea, SARTY of Denmark, SIROCKI of Scarborough, THERIAULT of Madawaska, TURNER of Burlington, WATERHOUSE of Bridgton, Senators: McCORMICK of Kennebec, President RAYE of Washington.

Committee on **VETERANS AND LEGAL AFFAIRS** suggested and ordered printed.

REFERRED to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.

Sent for concurrence.

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Miles Memorial Hospital, of Damariscotta, which was named one of the top 3 rural hospitals in the country in 2011 for its delivery of high-quality care based on results from the Leapfrog Hospital Survey. The Leapfrog Group makes the only national public comparison of hospitals on the key issues of quality, safety and efficiency in order to prevent medical errors, to reduce mortality rates for high-risk procedures and to reduce hospital readmissions. We commend Miles Memorial Hospital on its achieving this high rating;

(SLS 596)

On **OBJECTION** of Representative McKANE of Newcastle, was **REMOVED** from the Special Sentiment Calendar.

READ.

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. I know I speak for the entire Damariscotta community and for Lincoln County of how proud we are of our little hospital, which really isn't so little anymore and doesn't seem like a rural hospital because it does everything. It has grown over the years, has huge community support as a focal point in the district. It employs a lot of people in our district and they have once again, and they've done this before, but once again have shown that they are a leader in Maine's health care network. So congratulations to Miles Hospital.

Subsequently, the Sentiment was **PASSED** in concurrence.

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Joint Order

Representative FLOOD for the **Joint Standing Committee on Appropriations and Financial Affairs** on Bill "An Act To

Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government To Address Revenue Shortfalls Projected for the Fiscal Year Ending June 30, 2012"

(H.P. 1384) (L.D. 1870)

Reporting **Ought to Pass** pursuant to Joint Order, H.P. 1367.

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE** and was assigned for **SECOND READING** Wednesday, March 14, 2012.

Divided Report

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought Not to Pass** on Bill "An Act To Reduce Open Burning in Neighborhoods"

(S.P. 608) (L.D. 1763)

Signed:

Senators:

SAVIELLO of Franklin

GOODALL of Sagadahoc

Representatives:

HAMPER of Oxford

DUCHESNE of Hudson

HARLOW of Portland

INNES of Yarmouth

KNAPP of Gorham

LONG of Sherman

WELSH of Rockport

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-425)** on same Bill.

Signed:

Senator:

SHERMAN of Aroostook

Representatives:

AYOTTE of Caswell

NASS of Acton

PARKER of Veazie

Came from the Senate with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

READ.

On motion of Representative HAMPER of Oxford, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 1204) (L.D. 1598) Bill "An Act To Clarify the Court's Authority To Grant Credit Given for Jail Time toward Payment of Fines" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-760)**

(H.P. 1245) (L.D. 1693) Bill "An Act To Amend the Law Governing Abatements of Property Taxes for Infirmary or Poverty" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-754)**

(H.P. 1262) (L.D. 1710) Bill "An Act To Amend the Motor Vehicle Laws" Committee on **TRANSPORTATION** reporting

Ought to Pass as Amended by Committee Amendment "A" (H-763)

(H.P. 1286) (L.D. 1744) Bill "An Act To Require Carbon Monoxide Detectors in Additional Residential Facilities" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-761)**

(H.P. 1308) (L.D. 1783) Resolve, Regarding Legislative Review of Chapter 140: Public Charter Schools, a Major Substantive Rule of the Department of Education (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-759)**

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

There being no objection, the House Papers were **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

BILLS IN THE SECOND READING

House

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

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

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

ENACTORS

Emergency Measure

An Act To Address the Documented Educational and Rehabilitation Needs of Persons Who Are Blind or Visually Impaired

(H.P. 572) (L.D. 765)

(C. "B" H-737)

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

Emergency Measure

An Act To Prohibit Municipalities from Imposing Fees on Ice Fishing Shacks

(H.P. 1288) (L.D. 1747)

(C. "A" H-734)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 125 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Implement the Recommendations of the Department of Health and Human Services and the Maine Developmental Disabilities Council Regarding Respectful Language

(S.P. 640) (L.D. 1845)

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

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 815: Consumer Protection Standards for Electric and Gas Transmission and Distribution Utilities, a Major Substantive Rule of the Public Utilities Commission

(H.P. 1316) (L.D. 1791)

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

Acts

An Act To Prohibit Bullying and Cyberbullying in Schools

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

(C. "B" H-745)

An Act Regarding the Filing of Birth, Death and Marriage Data

(S.P. 537) (L.D. 1627)

(C. "A" S-419)

An Act To Provide Tort Claims Immunity for Out-of-state Regional Transit Organizations That Provide Regular Service in Maine

(S.P. 559) (L.D. 1660)

(C. "A" S-423)

An Act Regarding Subrogation of Medical Payments Coverage

(H.P. 1303) (L.D. 1769)

An Act To Establish "The Dirigo March" as the Official March of the State

(S.P. 627) (L.D. 1815)

(C. "A" S-418)

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.

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

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

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (10) **Ought to Pass as Amended by Committee Amendment "A" (H-727)** - Minority (3) **Ought to Pass as Amended by Committee Amendment "B"**

(H-728) - Committee on **TAXATION** on Bill "An Act To Amend the Law Regarding the Sale of Wood Pellets" (EMERGENCY) (H.P. 1219) (L.D. 1610)

TABLED - February 28, 2012 (Till Later Today) by Representative KNIGHT of Livermore Falls.

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

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-727)** was **READ** by the Clerk.

Representative HARMON of Palermo **PRESENTED House Amendment "A" (H-755)** to **Committee Amendment "A" (H-727)**, which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-727) as Amended by House Amendment "A" (H-755) 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-727) as Amended by House Amendment "A" (H-755)** thereto and sent for concurrence. **ORDERED SENT FORTHWITH**.

Bill "An Act To Allow Marriage Licenses for Same-sex Couples and Protect Religious Freedom"

(I.B. 3) (L.D. 1860)

TABLED - March 12, 2012 (Till Later Today) by Representative NASS of Acton.

PENDING - **REFERENCE**.

On motion of Representative CAIN of Orono, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

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

(S.P. 574) (L.D. 1675)

(C. "A" S-412)

TABLED - March 12, 2012 (Till Later Today) by Representative CAIN of Orono.

PENDING - **FINAL PASSAGE**.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 88 voted in favor of the same and 50 against, and accordingly the Resolve **FAILED FINAL PASSAGE** and was sent to the Senate.

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

Bill "An Act To Create an Income Tax Return Checkoff To Fund Cancer Screening, Detection and Prevention"

(H.P. 916) (L.D. 1225)

Which was **TABLED** by Representative KNIGHT of Livermore Falls pending the motion of Representative CAIN of Orono to **RECEDE AND CONCUR**. (Roll Call Ordered)

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

ROLL CALL NO. 246

YEA - Beaudoin, Beavers, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Casavant, Chapman, Chipman, Clark H, Clarke, Cornell du Houx, Dill J, Dion, Driscoll, Duchesne, Eves, 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, Monaghan-Derrig, Morrison, Nelson, O'Brien, Peoples, Priest, Rankin, Rochelo, Rotundo, Russell, Sanborn, Shaw, Stevens, Stuckey, Treat, Tuttle, Valentino, Wagner R, Webster, Welsh.

NAY - Ayotte, Beaulieu, Bennett, Bickford, Black, Burns DC, Cebra, Chase, Clark T, Cotta, Crafts, Cray, Curtis, 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, Morissette, Moulton, Nass, Newendyke, O'Connor, Olsen, Parker, Parry, Picchiotti, Pilon, Plummer, Prescott, Richardson D, Richardson W, Rioux, Rosen, Sanderson, Sarty, Sirocki, Strang Burgess, Tilton, Timberlake, Turner, Volk, Wallace, Waterhouse, Weaver, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

ABSENT - Beck, Beliveau, Celli, Crockett, Cushing, Damon, Eberle, McKane, Peterson, Theriault.

Yes, 66; No, 74; Absent, 10; Vacant, 1; Excused, 0.

66 having voted in the affirmative and 74 voted in the negative, 1 vacancy with 10 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, the House voted to **INSIST**.

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

CONSENT CALENDAR

First Day

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

(H.P. 1320) (L.D. 1794) Resolve, Regarding Legislative Review of Portions of Chapter 378: Variance Criteria for the Excavation of Rock, Borrow, Topsoil, Clay or Silt and Performance Standards for the Storage of Petroleum Products, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY) Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass**

(H.P. 1293) (L.D. 1752) Bill "An Act Concerning Technical Changes to the Tax Laws" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-767)**

(H.P. 1310) (L.D. 1785) Bill "An Act To Repeal the Requirement That Canadian Big Game or Wild Turkey Hunters Be Accompanied by Guides Licensed in the State" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-766)**

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

There being no objection, the House Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Establish Certain Crimes Relating to Missing or Deceased Children"

(H.P. 1224) (L.D. 1634)

Signed:

Senators:

MASON of Androscoggin
GERZOFSKY of Cumberland
WHITTEMORE of Somerset

Representatives:

PLUMMER of Windham
BURNS of Whiting
CLARKE of Bath
HANLEY of Gardiner
HASKELL of Portland
LAJOIE of Lewiston
LONG of Sherman
MORISSETTE of Winslow
SANDERSON of Chelsea

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-762)** on same Bill.

Signed:

Representative:

BLODGETT of Augusta

READ.

Representative PLUMMER of Windham moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Plummer.

Representative **PLUMMER**: Thank you, Mr. Speaker. This bill, along with a companion bill, that would have made it a crime to not report a missing child received a lot of comment and a lot of consideration. In the end, one of the bills was voted unanimously Ought Not to Pass and this bill had a 12-1 Report, Ought Not to Pass. There are numerous problems including the Constitution and the constitutional guarantee that people are not required to testify against themselves. We reached this conclusion after extended work session. Nobody expressed that they wanted an individual to get away with harming a child, but this bill did not seem to fix this problem. The committee very strongly urged a vote of Ought Not to Pass on this bill. Thank you, Mr. Speaker.

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

Representative **BLODGETT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I would be that 1. I rise today to ask you to please vote no on the Majority Report of Ought Not to Pass and to vote yes on the Minority Report as amended, LD 1634, "An Act To Establish Certain Crimes Relating to Missing or Deceased Children." Before submitting this bill, I heard from more than 100 citizens and constituents to submit this bill, as I'm sure many of you heard the same thing. Thousands of our constituents cannot be wrong and that is who we work for and who elects us. Representative Olsen and I made the final cut.

This bill, my original bill, was that to make it a Class C crime to not report a child missing and to also make it a Class C crime of somebody that knew that this child was missing or deceased

was to report that. I spoke with many people on this bill, one of which was the police chief from Waterville, Police Chief Massey, who is in favor of a strict crime as you could get under the law in this case. This bill gives children a voice. No, this may not be a perfect bill, but this is a start. There is no crime at this time to not report a child missing or deceased. I met with the Criminal Law Advisory Commission and they stated that there was no crime at this time for this, for a child being missing.

Some people stated that this was a knee-jerk reaction to the Caylee Anthony case in Florida. Well, actually it may have brought it to our immediate attention, but this is for all children and to give them a voice in our court system, not just on a telephone pole. A specific crime for a specific child and that child could be one that you know. Ayla Reynolds would think that it is important enough. What was decided was that a letter to the Attorney General to form a force on what could be done. Well, I think our constituents and we know what should be done, and they expect us to do the right thing and to make this important to our state and to our children. It's not about us today and how we feel. It's about our constituents and the children. In Florida, that proposal right now has passed and it goes to the governor at the present time to be signed.

In closing, I ask that you please vote down the pending motion so that we can all have the opportunity to voice our individual opinions on this very important bill and to vote for the Minority Report, Ought to Pass as Amended. Thank you.

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

Representative **HASKELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I'm on the Ought Not to Pass on this bill. This is one of those bills in our committee where we look for a button that says "Reluctantly Ought Not to Pass" because we'd like to find an opportunity to be able to resolve what are very difficult situations. However, this bill imposes a series of concerns which, in the opinion of those folks who were on the committee, can't be overcome.

First of all, in the State of Maine, there are very few mandatory reporting crimes and those are mostly by mandatory reporters like physicians, teachers, etcetera. In this case, we are making it illegal not to do something. That is a huge step. Our criminal code is filled with laws about what you do do, not what you do not do. One of the concerns about this is the negative unforeseen consequences which might occur with a bill like this. For instance, would a parent, a neighbor, an aunt, someone who thought that they ought to be looking out for this child be concerned about calling and reporting it because they might be accused of a crime? For instance, if a few days later somebody said, "You know, I think I saw something, maybe I ought to call and give the police some information," but they hesitate to do that because they say "Wow, I didn't call in the first 48 hours, maybe I'm going to be convicted of a crime." If in any case information was withheld, that would be far more harmful to that one child than the passage of this bill. This does place an undue or has the potential to place an undue burden on concerned caregivers who are extremely likely to act responsibly. That was the position of the DAs when they came forward on this bill. The reality is anyone who covered up a crime, they are unlikely, very unlikely to be influenced by a reporting law if they were the one who covered up the crime.

The other issue, which they are facing in the notorious case that we've all heard so much about, is the constitutional bar on self incrimination. If you were the person who committed that crime and you reported it, you couldn't be taken to court for your failure to report that. That wouldn't have been a consideration because that would have been self incrimination. So I think it's

important that this is not solving a problem. It would feel good. We'd all like to feel better about this, but we truly can't legally feel better about this. We have statutes in the State of Maine regarding endangering the welfare of a child and that would be endangering the welfare of a child. This is not something that's happened here in this state. As a matter of fact, it's the other way around. In this state people feel very comfortable picking up the phone and saying "Something isn't right. I need your help." So I urge you to support the Majority Ought Not to Pass Report. Thank you.

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

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 247

YEA - Beaudoin, Beaulieu, Bennett, Berry, Bickford, Black, Boland, Burns DC, Cain, Carey, Casavant, Cebra, Chapman, Chase, Clark H, Clark T, Clarke, Cornell du Houx, Cotta, Crafts, Cray, Curtis, Davis, Dion, Dow, Driscoll, Duchesne, Dunphy, Edgecomb, Espling, Fitts, Fitzpatrick, Flemings, Flood, Fossel, Foster, Fredette, Gifford, Goode, Guerin, Hamper, Hanley, Harvell, Haskell, Hayes, Herbig, Hinck, Hunt, Johnson D, Johnson P, Kaenrath, Kent, Keschl, Knapp, Knight, Kruger, Kumiega, Lajoie, Libby, Long, Lovejoy, Luchini, MacDonald, Malaby, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Nelson, Newendyke, O'Brien, O'Connor, Olsen, Parker, Parry, Picchiotti, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Rioux, Rochelo, Rosen, Sanborn, Sanderson, Sarty, Shaw, Sirocki, Strang Burgess, Stuckey, Tilton, Timberlake, Treat, Turner, Volk, Wagner R, Wallace, Waterhouse, Weaver, Webster, Welsh, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

NAY - Ayotte, Beavers, Blodgett, Bolduc, Briggs, Chipman, Dill J, Eves, Gilbert, Gillway, Graham, Harlow, Harmon, Hogan, Innes Walsh, Longstaff, Maker, Maloney, Martin, Mazurek, McCabe, Monaghan-Derrig, Morrison, Peoples, Peterson, Pilon, Rotundo, Russell, Stevens, Tuttle, Valentino.

ABSENT - Beck, Beliveau, Bryant, Celli, Crockett, Cushing, Damon, Eberle, Theriault.

Yes, 110; No, 31; Absent, 9; Vacant, 1; Excused, 0.

110 having voted in the affirmative and 31 voted in the negative, 1 vacancy with 9 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

SENATE PAPERS

Bill "An Act To Rename the Maine Jobs Council as the State Workforce Investment Board and Make Changes to Its Structure" (S.P. 655) (L.D. 1874)

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

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

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

On motion of Representative CAIN of Orono, the House adjourned at 11:20 a.m., until 10:00 a.m., Wednesday, March 14, 2012.