

MAINE STATE LEGISLATURE

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

Daily Edition

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Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 64: Maine School Facilities Program and School Revolving Renovation Fund, a Major Substantive Rule of the Department of Education and the Maine Municipal Bond Bank

(H.P. 1313) (L.D. 1788)
(S. "A" S-436 to C. "A" H-741)

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. 123 voted in favor of the same and 5 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

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

(H.P. 1320) (L.D. 1794)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 128 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

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

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

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 2 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Resolve Pursuant to the Constitution

Public Land

Resolve, Regarding Access to Eastern Road in Scarborough
(H.P. 1340) (L.D. 1817)
(C. "A" H-770)

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

Representative DAVIS of Sangerville **REQUESTED** a roll call on **FINAL PASSAGE**.

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

On further motion of the same Representative, **TABLED** pending **FINAL PASSAGE** and later today assigned. (Roll Call Ordered)

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

Acts

An Act To Clarify and Streamline Foreclosure Proceedings

(H.P. 128) (L.D. 145)
(S. "A" S-426 to C. "B" H-721)

An Act To Reduce Deer Predation

(H.P. 298) (L.D. 372)
(C. "C" H-769)

An Act To Stabilize Solid Waste Management Funding

(H.P. 937) (L.D. 1278)
(C. "A" H-776)

An Act To Make Certain Juvenile Case Records Confidential

(H.P. 1203) (L.D. 1597)
(C. "A" H-779)

An Act To Clarify the Court's Authority To Grant Credit Given for Jail Time toward Payment of Fines

(H.P. 1204) (L.D. 1598)
(C. "A" H-760)

An Act To Address Research and Teaching in Maine's Institutions of Higher Education by Amending the Laws Governing the Purchase of Goods and Services by the State Involving Institutions of Higher Education

(S.P. 541) (L.D. 1631)
(C. "A" S-428)

An Act To Amend the Law Governing Abatements of Property Taxes for Infirmity or Poverty and the Administration of the Circuitbreaker Program

(H.P. 1245) (L.D. 1693)
(C. "A" H-754)

An Act To Amend the Motor Vehicle Laws

(H.P. 1262) (L.D. 1710)
(C. "A" H-763)

An Act To Amend Education Laws

(H.P. 1284) (L.D. 1742)
(C. "A" H-757)

An Act To Require Carbon Monoxide Detectors in Additional Residential Occupancies

(H.P. 1286) (L.D. 1744)
(C. "A" H-761)

An Act Concerning Technical Changes to the Tax Laws

(H.P. 1293) (L.D. 1752)
(C. "A" H-767)

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 Create a License Plate To Recognize the 2014 World Acadian Congress

(H.P. 1220) (L.D. 1611)
(S. "A" S-437 to C. "A" H-742)

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 Regarding the Matching Funds Provisions of the Maine Clean Election Act

(S.P. 612) (L.D. 1774)
(H. "C" H-780)

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

On motion of Representative CAREY of Lewiston, was **SET ASIDE**.

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

Representative **CAREY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, 10-18 is the final vote that we will have unless we do the right thing and vote Ought Not to Pass on this bill, the final vote we'll have on a bill that will significantly harm the Clean Election system. As you know, this will remove at least a million dollars out of the matching funds program, an amount of money that the people saw was important to make this a sufficient and ample opportunity for any of our neighbors who want to run against us to serve here. Mr. Speaker, I ask for a roll call and ask the members of the House to vote with me in insisting that this bill continue to have a solution that the voters of Maine expect. Thank you, Mr. Speaker.

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 Portland, Representative Russell.

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a bill that on one hand does nothing. It strips language that is already ineffective, thanks to the Supreme Court ruling. On the other hand, it guts a system that the people of Maine put in place many years ago. It guts a system that works. It removes a million dollars which is interesting because if you look at the budget report, it actually says there is a savings of \$2.5 million. I'm not quite sure where the rest of the \$1.5 million comes from. And this is the last opportunity to do the right thing. And while we all may philosophically disagree on whether public financing is something that we want to see, the people of Maine have consistently supported this program. It's easy to look back and say, oh well, this was voted on many years ago.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. We may be able to look back and wonder, well, do they really feel that way? Well, we're out collecting Clean Elections checks, those of us who are running clean this year, and people are continually writing us checks every two years, \$5. So if they don't support the program, why do they continue writing \$5 checks? If they don't support the program, why do they continue to check off on the tax returns every year that they want to see this program move forward? Why, because I would argue that the people of Maine genuinely support this program, and, yes, you can go back and you can say we saved it, that's great spin, but let's be honest. We all know this is about gutting the program. Early on this year, some said "Well, maybe this is just going to be a negotiation tool for the budget." I said, "No, I actually think that the majority party wants to eliminate the Maine Clean Election Act." I don't think this is a negotiation tool whatsoever. I think, just like many others believe, that this is part of a strategy to make sure that we're able to keep ourselves in power. Those of us who have access to capital, those of us who can call on lobbyists and corporate interests and special interests, those of us who are already in power have the ability to raise money. We are at a competitive advantage over anyone else who would like to challenge us, and that's the brilliance of the Maine Clean Election Act. It allows people to challenge power. It allows people to run for office.

This was brought to us by the people. Why is it impossible to pass the requalifying option, which is the option that the Clean Elections Commission, the Ethics Commission, recommended that we pass and send it to the people? Why is this bill moving forward through the Legislature without any consideration of what the people of Maine want? There are ample opportunities that

this Legislature has had over the years on things such as term limits, where we sent something back to the people for approval if we changed something that the people brought to us. But no, we chose to take the back route around this. We chose to skirt around the issue. We chose to not face our own people on this issue, and because of that, I don't think this bill should move forward. I find it unconscionable that we would do the exact opposite of what the people of Maine actually asked. So with all due respect, Mr. Speaker, I move Indefinite Postponement of LD 1774 and all its accompanying papers.

The same Representative moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

Representative **CURTIS** of Madison **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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 Indefinite Postponement of the Bill and all accompanying papers. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 254

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

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

ABSENT - Celli, Driscoll, Lovejoy, Stuckey, Tuttle, Wood.

Yes, 67; No, 77; Absent, 6; Vacant, 1; Excused, 0.

67 having voted in the affirmative and 77 voted in the negative, 1 vacancy with 6 being absent, and accordingly the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers **FAILED**.

The **SPEAKER**: A roll call having been previously 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. 255

YEA - Ayotte, Beaulieu, Bennett, Bickford, Black, Burns DC, Casavant, Cebra, Chase, Clark T, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dow, Dunphy, Edgecomb, Espling, Fitts, Fitzpatrick, Flood, Fossel, Foster, Fredette, Gifford, Gillway, Guerin, Hamper, Hanley, Harmon, Harvell, Johnson D, Johnson P, Keschl, Knapp, Knight, Libby, Long, Maker, Malaby, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Newendyke, O'Connor, Olsen, Parker, Parry, Picchiotti, Plummer, Prescott, Richardson D, Richardson W, Rioux, Rosen,

Sanderson, Sarty, Sirocki, Strang Burgess, Tilton, Timberlake, Turner, Volk, Wallace, Waterhouse, Weaver, Willette A, Willette M, Winsor, 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, Duchesne, Eberle, Eves, Flemings, Gilbert, Goode, Graham, Harlow, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Kaenrath, Kent, Kruger, Kumiega, Lajoie, Longstaff, Luchini, MacDonald, Maloney, Martin, Mazurek, McCabe, Monaghan-Derrig, Morrison, Nelson, O'Brien, Peoples, Peterson, Pilon, Priest, Rankin, Rochelo, Rotundo, Russell, Sanborn, Shaw, Stevens, Theriault, Treat, Valentino, Wagner R, Webster, Welsh.

ABSENT - Celli, Driscoll, Lovejoy, Stuckey, Tuttle, Wood.

Yes, 77; No, 67; Absent, 6; Vacant, 1; Excused, 0.

77 having voted in the affirmative and 67 voted in the negative, 1 vacancy with 6 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**.

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 Thursday, March 15, 2012, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

SENATE DIVIDED REPORT - Majority (12) **Ought to Pass** - Minority (1) **Ought Not to Pass** - Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Allow the Change of Location of a Licensed Large Game Shooting Area" (EMERGENCY)

(S.P. 630) (L.D. 1822)

- In Senate, Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

TABLED - March 14, 2012 (Till Later Today) by Representative DAVIS of Sangerville.

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

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

Representative **EBERLE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Some of you might be surprised to find out that Maine has these kinds of facilities, commercial, large game shooting areas, sometimes referred to as canned hunting or captive hunts. Commercial large game shooting areas are defined as enclosed areas in which large game are kept and a fee is charged to pursue and kill, or pursue and attempt to kill, large game. Under this law, large game means domesticated deer, elk, boar and bison. The state has 11 of these types of facilities. A supporter of one of the facilities in the state described it as a place where people who don't like to get their hands dirty and just want to take home a trophy can come and get that trophy. This is not an anti hunting, my position in opposition of the pending motion is not an anti hunting position, and in fact there are many hunters in the State of Maine who disapprove of this kind of facility. The state has a very clear intention with these facilities: when they go out of business, we

will not license any new ones. If one of these businesses fails, it will not be replaced. In this particular case, the business is failing and the owner wants to move it to a different location. This is moving the location of one of these existing facilities which is clearly not in the intention of the state to allow them, if they go under, not to be renewed. If the argument for this change, for allowing this location to change, is for economic development, it is a shameful approach to economic development. It does not represent and is in fact the antithesis of the true, honorable, fair heritage and tradition of hunting in the State of Maine. I ask you to vote with me and oppose the pending motion. Thank you.

The Chair ordered a division on the motion to **ACCEPT** the Majority **Ought to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Sangerville, Representative Davis.

Representative **DAVIS**: Thank you, Mr. Speaker. This proposal simply moves a business from one location to another. This business has been in the business for at least 12 years. There are a number of these hunting preserves or shooting areas or whatever you want to call it throughout the state. This one moves it from the town of Ripley to the town of Brownville, probably close to 50 miles north. The one in Ripley will be closed. It will not be a shooting area again and the new location will be in Brownville. There are many reasons for this. They have been using, the lodge that they have is in Brownville and they've been hauling their hunters back and forth between Ripley and Brownville. That's true, that is an economic expense. I'm sure all of us can recognize that. There are other reasons for this. I would urge that you vote for this. Thank you.

Representative CUSHING of Hampden **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass** Report.

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

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

ROLL CALL NO. 256

YEA - Ayotte, Beaulieu, Beck, Beliveau, Bennett, Bickford, Black, Bryant, Burns DC, Cain, Cebra, Chase, Clark H, Clark T, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dill J, Dion, Dow, Duchesne, Dunphy, Edgecomb, Espling, Fitts, Fitzpatrick, Flood, Fossil, Foster, Fredette, Gifford, Gilbert, Gillway, Guerin, Hamper, Hanley, Harmon, Harvell, Haskell, Hayes, Hinck, Johnson D, Johnson P, Keschl, Knapp, Lajoie, Libby, Long, Maker, Malaby, Maloney, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Newendyke, O'Connor, Olsen, Parker, Parry, Peterson, Picchiotti, Plummer, Prescott, Richardson D, Richardson W, Rioux, Rosen, Sanderson, Sarty, Shaw, Sirocki, Theriault, Tilton, Timberlake, Turner, Valentino, Volk, Wagner R, Wallace, Waterhouse, Weaver, Willette A, Willette M, Winsor, Mr. Speaker.

NAY - Beaudoin, Beavers, Berry, Blodgett, Boland, Bolduc, Briggs, Carey, Casavant, Chapman, Chipman, Clarke, Eberle, Eves, Flemings, Goode, Graham, Harlow, Herbig, Hogan, Hunt, Innes Walsh, Kaenrath, Kent, Knight, Kruger, Kumiega, Longstaff, Luchini, MacDonald, Martin, Mazurek, McCabe, Monaghan-Derrig, Morrison, Nelson, O'Brien, Peoples, Pilon, Priest, Rankin, Rochelo, Rotundo, Russell, Sanborn, Stevens, Strang Burgess, Treat, Webster, Welsh.

ABSENT - Celli, Cornell du Houx, Driscoll, Lovejoy, Stuckey, Tuttle, Wood.

Yes, 93; No, 50; Absent, 7; Vacant, 1; Excused, 0.