ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
FIRST REGULAR SESSION
58th Legislative Day
Tuesday, June 11, 2013

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

Prayer by Reverend Don Mayberry, First Congregational Church of South Paris.

National Anthem by Danae Duprey, Hampden.

Pledge of Allegiance.

Doctor of the day, Joel Kase, Lewiston, DO, MPH.

The Journal of yesterday was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 198)

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

June 10, 2013
The 126th Legislature of the State of Maine
State House
Augusta, Maine
Dear Honorable Members of the 126th 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 1044, "An Act To Amend the Laws Governing Prosecution of Individuals Possessing a Controlled Substance under Certain Circumstances."
The intent behind this law is noble – we want to encourage those overdosing on drugs to seek medical treatment. However, those using illegal drugs or inappropriately using prescription drugs do not check the law books in these cases. I am concerned this bill may create an unnecessary barrier for drug enforcement when drug use remains a significant scourge on our state.
Additionally, Maine prosecutors have the ability to exercise discretion on possession charges already. If they believe that a drug charge is unjust, it is within their purview to decline to prosecute. And, as recognized throughout our nation's history, the ultimate protection of the citizenry lies with the jury. Because of these protections inherent in our Constitutional system, this bill is not necessary and, with the drug problems rampant in our state, I cannot support it.
For these reasons, I return LD 1044 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 Amend the Laws Governing Prosecution of Individuals Possessing a Controlled Substance under Certain Circumstances

(H.P. 735) (L.D. 1044)
(C. "A" H-205)

On motion of Representative BERRY of Bowdoinham, **TABLED** pending **RECONSIDERATION** and later today assigned.

The Following Communication: (S.C. 453)

MAINE SENATE
126TH LEGISLATURE
OFFICE OF THE SECRETARY

June 7, 2013
Honorable Mark W. Eves
Speaker of the House
2 State House Station
Augusta, Maine 04333
Dear Speaker Eves:
In accordance with 3 M.R.S.A. §158 and Joint Rule 506 of the 126th Maine Legislature, please be advised that the Senate today confirmed the following nominations:
Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of Michael Timmons of Cumberland for appointment to the Maine State Harness Racing Commission.
Upon the recommendation of the Committee on Appropriations and Financial Affairs, the nomination of Shirrin L. Blaisdell of Manchester for appointment to the Maine Public Employees Retirement System, Board of Trustees.
Upon the recommendation of the Committee on Criminal Justice and Public Safety, the nomination of Carleton L. Barnes, Jr. of Calais for appointment to the State Board of Corrections.
Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Morten Arntzen of New Canaan, CT for reappointment to the Maine Maritime Academy, Board of Trustees.
Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Arthur K. Watson, Jr. of New Canaan, CT for reappointment to the Maine Maritime Academy, Board of Trustees.
Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Jason A. Oney of Falmouth for appointment to the Maine Maritime Academy, Board of Trustees.
Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of M. Michelle Hood of Bar Harbor for reappointment to the University of Maine System, Board of Trustees.
Upon the recommendation of the Committee on Environment and Natural Resources, the nomination of Honorable James W. Parker of Veazie for appointment to the Board of Environmental Protection.
Upon the recommendation of the Committee on Labor, Commerce, Research and Economic Development, the nomination of Honorable Douglas K. Damon of Bangor for appointment to the Loring Development Authority of Maine.
Upon the recommendation of the Committee on Labor, Commerce, Research and Economic Development, the nomination of Mark L. Wilcox of Mapleton for appointment to the Loring Development Authority of Maine.
Upon the recommendation of the Committee on Labor, Commerce, Research and Economic Development, the nomination of John D. Murphy of Fort Kent for appointment to the Maine Educational Loan Authority.
Upon the recommendation of the Committee on Labor, Commerce, Research and Economic Development, the nomination of Abigail C. Yacoben of West Bath for appointment to the Maine Labor Relations Board.
Upon the recommendation of the Committee on Labor, Commerce, Research and Economic Development, the nomination of Steven L. Weems of Brunswick for reappointment to the Midcoast Regional Redevelopment Authority.
Upon the recommendation of the Committee on Labor, Commerce, Research and Economic Development, the nomination of Dale C. Crowley of Addison for appointment to the Washington County Development Authority.
Upon the recommendation of the Committee on Labor, Commerce, Research and Economic Development, the

nomination of Ronald P. Green of Plymouth for reappointment to the Workers' Compensation Board.
Upon the recommendation of the Committee on Marine Resources, the nomination of Geoffrey S. Smith of Portland for appointment to the Marine Resources Advisory Council.
Upon the recommendation of the Committee on State and Local Government, the nomination of Stacey L. Morrison of Gardiner for appointment to the Maine Governmental Facilities Authority.
Upon the recommendation of the Committee on State and Local Government, the nomination of Rebecca A. Grant of Augusta for reappointment to the State Civil Service Appeals Board.
Upon the recommendation of the Committee on State and Local Government, the nomination of Daniel G. Casavant of Waterville for appointment to the State Civil Service Appeals Board.
Upon the recommendation of the Committee on Transportation, the nomination of John E. Dority of Augusta for reappointment to the Maine Turnpike Authority Board of Directors.
Upon the recommendation of the Committee on Veterans and Legal Affairs, the nomination of Michael T. Healy of Freeport for reappointment to the Commission on Governmental Ethics and Election Practices.
Upon the recommendation of the Committee on Veterans and Legal Affairs, the nomination of Margaret E. Matheson of Augusta for reappointment to the Commission on Governmental Ethics and Election Practices.
Upon the recommendation of the Committee on Veterans and Legal Affairs, the nomination of Honorable Orland G. McPherson of Eliot for reappointment to the State Liquor and Lottery Commission.
Sincerely,
S/Darek M. Grant
Secretary of the Senate

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (S.C. 454)

MAINE SENATE
126TH LEGISLATURE
OFFICE OF THE SECRETARY

June 10, 2013
Honorable Millicent M. MacFarland
Clerk of the House
2 State House Station
Augusta, Maine 04333
Dear Clerk MacFarland:
Please be advised the Senate today insisted to its previous action whereby it Indefinitely Postponed Bill "An Act To Provide Property Tax Relief by Expanding Gaming Opportunities" (H.P. 1127) (L.D. 1558) and all accompanying papers, in non-concurrence.
Best Regards,
S/Darek M. Grant
Secretary of the Senate

READ and **ORDERED PLACED ON FILE**.

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (11) **Ought Not to Pass** - Minority (2) **Ought to Pass as Amended by Committee Amendment "A" (H-376)** - Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Protect Maine Communities by Prohibiting Horse Slaughter for Human Consumption and the Transport of Horses for Slaughter"
(H.P. 913) (L.D. 1286)
TABLED - June 7, 2013 (Till Later Today) by Representative CRAY of Palmyra.
PENDING - Motion of Representative DILL of Old Town to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report. (Roll Call Ordered)

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Dickerson.

Representative **DICKERSON**: Thank you, Mr. Speaker. Good morning, Ladies and Gentlemen of the House. Again, we spoke about this when we were last together on Friday, but I want to remind you that I ask for your gracious support to vote red on the Ought Not to Pass motion because there is a better debate to be had in the Minority Report of this bill. Today, I received news that the New Mexico Attorney General has ruled that horsemeat is a tainted product and an adulterated product, and New Mexico will not be allowing horsemeat for sale or consumption in New Mexico. This news has come on the heels of a permit being taken out in New Mexico to build a horse slaughter plant. Horsemeat contains drugs that are unfit for human consumption; however, when we get to the Minority Report, you will learn that your rights as an individual to raise and slaughter your own horsemeat, if you so choose, will be protected. I ask you to please vote down the Majority Report so that we can discuss the merits of a bill that could have great consequences for food safety and other issues such as ethical treatment and the environmental health and wellbeing of Maine's communities, if a Maine community were to face the building of a horse slaughter plant. I thank you very much and I urge you to vote red.

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

The SPEAKER: The Chair recognizes the Representative from Hollis, Representative Marean.

Representative **MAREAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a very difficult thing for me to talk about, but I think it's most important that I try to bring you up to date on what the Maine horse industry is trying to do to deal with some of the problems that are being portrayed here. But first, though, I want to thank the good Representative from Rockland, Representative Dickerson, and the good Representative from Livermore Falls, Representative Knight, for their passion, for their hard work. I understand what it is they are trying to accomplish. I understand that they have concerns for the animals. I grew up on a farm. I've lived with animals my entire life and for the past 30 years, I have been breeding, racing and raising horses, and probably have had about 400 foals at the farms since 1988. I have probably owned four or five different horses over that time and I can tell you that I have never once, never once have I intentionally, I might have unintentionally, but I have never once shipped a horse to slaughter. We retired from the breeding business in 2009. My farm now is nothing more than a nursing home for old horses. I don't particularly support the idea of slaughter. I would never send my horse to slaughter. I have places down back in my farm

where I can deposit them when the time comes. My concern here is that we're taking away the right of choice. Horses are livestock. Livestock are animals that live on the farm. We should not be taking away one's choice to do with as they want with their livestock, providing that it's done properly.

This bill, in my opinion, is nothing more than an emotional rollercoaster and it's got me pretty emotionally charged too, as well, to try to do the right thing. This bill is not going to accomplish what it is that we think it's going to accomplish. It's amazing to me how hard we'll work based on our emotions. I'd like to think that this body is going to make decisions based on the facts. We have no facts that prove that we have got a problem in Maine. When we heard the bill before the committee, one of the folks that was not in the room was the Department of Agriculture's Animal Welfare folks. We didn't hear anything from them. Obviously, there doesn't seem to be a great deal of problems in Maine and if people in Maine are shipping horses for slaughter, then why is it that all of our rescues are full to the brim? It makes no sense to me. The people of Maine tend to keep their horses sometimes when they shouldn't. Each of the last three bienniums, including this one, this bill or a bill similar to this, has been before the Legislature. The two previous bills didn't get as far as this to the House. This year, the other two bills, I worked hard to try to get them so that we didn't have to discuss it in these chambers. This year, I thought it was time that I stopped working the bill outside of the chambers and let it run its course and let you folks decide on whether or not the people of Maine know what they're doing with their horses when it comes time for them to be either euthanized or whatever choice that they make. This bill belongs to the Maine Friends of Animals. I have met with them on more than one occasion trying to work with them to set up a euthanasia clinic and composting facilities, something that has yet to happen. But I do want you to know that the horse industry in Maine is very, very concerned about the accusations that are being imposed upon us here.

There is a place in Windham called the Maine Society for Prevention of Cruelty to Animals. The trustee is Marilyn Goodreau. She came to me about four years ago, invited me to her farm. I went over there. She had about 90 horses that she has that she's taken care of, that she's saved from one thing or another. She said to me "You need to do something about your breed. You need to have some kind of a facility or an amount of money to take care of horses when they are in trouble." I agree with her. I went to the United States Trotting Association in Columbus, Ohio, and I made a pitch to the Board of Directors, of which there are 60, all across the U.S. Sixty directors. I made a pitch to them that we should set up a fund whereby we could rescues horses that get into trouble. When the vote was taken, the vote was unanimous to support the idea. I went to the executive committee and the finance committee. I asked for an appropriation of a half a million dollars. I didn't get the half a million dollars, but I did get $100,000. We appropriate every year $100,000 in our budget to take care of horses that get into trouble. We have helped probably 11 or 12 horses in Maine over the past four years with these funds.

Last year, the Maine Harness Horsemen's Association, the racing industry in Maine, we established a mini picture of the same things the U.S. Trotting Association has done. It's called SOS, Support Our Standardbreds. We appropriate $5,000 a year. We make that $5,000 available for the Animal Welfare Department that operates in the Department of Agriculture, to have those funds available for horses that get into trouble. This year, Bangor Historic Track and Penn National Gaming have agreed to donate $1 for every horse that starts at the racetrack during this race season, which will generate about $4,000, and that $4,000 will be given to the Animal Welfare under the Department of Agriculture. Ladies and gentlemen, I ask you, if you think that the Maine horse industry is not attentive to the issue here, then you should vote against the pending motion. If you feel confident that we are doing the right thing to protect our horses and I invite you to come to my farm at any time to see what we're doing there, as to any other farm in the State of Maine that has horses or any racing facility, and inspect us. I ask you please to support the pending motion which is an 11-2 report from the committee who heard all of the testimony from those who wished to testify, and I'd ask, Mr. Speaker, that the Clerk read the Committee Report.

The same Representative **REQUESTED** that the Clerk **READ** the Committee Report.

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

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 rise in opposition to this motion as I did the other day. I have great respect for Representative Marean and he speaks about passion, that is Representative Dickerson's and mine, and we confessed to a passion for the horses and other animals for that matter. I admit that I am here speaking on behalf of the Friends of Maine Animals, but it isn't just an emotional issue. There really is a medical concern that brings this bill before us today. Yesterday afternoon, I received a letter from Doctor Lester Castro Friedlander, who is a veterinarian provider in the State of Pennsylvania. In fact, he was here for the public hearing. He is a former New York State Horse Racing and Wagering Board Veterinarian. He is a former USDA Supervisory Veterinary Medical Officer and a Veterinary Trainer of the Year. One of the most important reasons that he does not approve of slaughtering horses for human consumption is the fact that human health is in jeopardy. It has been documented that 118 different drugs have been found in racehorses, some of which have been moved through the State of Maine. Most of these drugs cause different types of cancers in humans and also varied medical problems. Again, in humans. Ever since the FDA has declared that horses are considered, by many, companion animals, like dogs and cats, the labeling of these drugs states that they are to be used on animals and not – and I emphasize not – destined for human consumption. I'm not going to read you a list because it would take all day. I actually have the 188 drugs. It has been well researched. Promazine sulfoxide. I can't even pronounce these names. Acepromazine, which is a tranquillizer. Albuterol is a bronchodilator. Alcohol. We all know what that is. It's a nerve blocker. Apomorphine. Buprenorphine. As I said, I'm not going to read them. There are 118 of them. All have been found to be destructive in the human being. There is also a well-documented case of the West Nile Virus down in Georgia where the farmed alligators were using horsemeat as their sustenance. The West Nile Virus was found in these animals and through scientific determination, it was very clear that the horsemeat itself was tainted. I would ask you to join me, not because of the emotional issues of them being a companion animal, but due to the serious health risk that is evident when consuming horsemeat. Please vote red on this light and we will get to the Minority Report as Representative Dickerson has pointed out. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Freedom, Representative Jones.

Representative **JONES**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. You know, I represent a rural, poor district in western Waldo County. For those of you

that weren't here at the committee hearings on this bill, we heard testimony from a variety of individuals who said, "When I was growing up, we were so poor that…" I want to remind this body that a horse is a ruminant, okay, like sheep, like goats, like cattle, okay. Quite frankly, Mr. Speaker, and I'd like to remind this House as well, my citizens are the working poor and to remove their right to raise and slaughter these ruminants, equines, as a part of their sustenance, denies them of their very existence. The good Representative from Rockland has addressed this concern in her amendment and I'll speak to that in just a moment. Secondly, with all due respect to my dear friend and good colleague from Hollis, this bill does not single out an industry and for those of us who think that raising livestock for food is an industry, I welcome you to visit my district. We do not raise livestock. Some of us do, quite frankly. But the majority of the 9,000 people I represent do not raise livestock as an industry. They raise them for sustenance, okay, and if, as the good Representative from Hollis suggests, that the commercial slaughter is inappropriate, perhaps he and I could concur on this. But in terms of the individual right of a human in his or her backyard to raise a ruminant for slaughter denies the legacy of many culturists who routinely raise horses as a source of milk, fermented beverages, meat, transportation. I would argue – one other thing, by the way, Mr. Speaker, that I think the body needs to know and I mean no disrespect to my fellow committee members, this committee did not properly work this bill, okay? We did not wait for amendments from the good Representative from Rockland. We did not extend in lengthy deliberation as committees are, in my humble opinion, are obligated to do, so I would urge this body to reject the pending motion and please consider the amendment proposed by the good Representative from Rockland. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I've known Representative Marean for a long time and he really is a compassionate person when it comes to horses. He's got horses on his farm now that probably could have went to slaughter, but they are living the good life, like the one I had. My brother had thoroughbreds and American Standardbreds. I took one of them with a bum leg and had him for 22 years. He was the best pet we ever had. He was the love of our life. We had three golden retrievers and that horse and to use the word "slaughter" kind of tears at my heart. We don't turn around and take our dogs and slaughter them anymore than we would that horse and slaughter them. I'm not talking about chemicals. I'm not talking about consuming. I'm talking about taking a horse. They don't come into this world to be slaughtered for human consumption as beef cattle do. So I urge you to vote, to push the red button when you vote on this. Thank you.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Dickerson.

Representative **DICKERSON**: Thank you, Mr. Speaker. I just want to clarify and make one hundred percent sure for everyone that this bill will not limit an individual's right to slaughter and eat their own horse. You will be able to do that if that's something that you so choose. I would also like to state that the Minority Report belongs to me. I wrote it with help from the Revisor. It does not belong to the Maine Friends of Animals. I would also like to state that I feel as though if we had gone through this process a little bit more fully, we may have gotten to that Minority Report in committee and I'm very thankful for the opportunity to bring this to you here and now because these are issues that are based on facts. It is very difficult to bring this issue because it's a difficult issue for many people. I happen to work in this particular field and I happen to receive phone calls and messages from places where horses are being dealt with for either meat or for other purposes, and I am aware of which horses are moving where and from where. It is an issue and I understand that many people involved with the racing industry are trying to do the right thing. I am very connected with the thoroughbred racing industry and I know that there are a lot of good people on all sides of this; however, if it's not an issue and it's not a problem, then we should be able to ban it and I really would urge you to vote red. Thank you.

The SPEAKER: A roll call having been previously 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. 267

YEA - Ayotte, Bennett, Berry, Black, Campbell R, Clark, Cotta, Crafts, Cray, Davis, Dill, Dorney, Dunphy, Duprey, Fitzpatrick, Fowle, Fredette, Gifford, Gillway, Goode, Graham, Guerin, Hayes, Herbig, Hubbell, Jackson, Johnson D, Johnson P, Keschl, Kinney, Kumiega, Lajoie, Libby A, Long, Luchini, MacDonald W, Maker, Malaby, Marean, Marks, McCabe, McClellan, McElwee, Nadeau A, Noon, Nutting, Parry, Plante, Powers, Pringle, Rochelo, Sanderson, Shaw, Sirocki, Timberlake, Turner, Tyler, Wallace, Weaver, Willette, Wilson, Winsor, Wood, Mr. Speaker.

NAY - Beavers, Beck, Boland, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Doak, Espling, Evangelos, Farnsworth, Frey, Gattine, Gideon, Gilbert, Grant, Hamann, Harlow, Harvell, Hickman, Hobbins, Jones, Jorgensen, Kaenrath, Kent, Knight, Kornfield, Kruger, Kusiak, Libby N, Lockman, Longstaff, Mason, Mastraccio, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Newendyke, Pease, Peoples, Pouliot, Priest, Rankin, Reed, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Werts, Winchenbach.

ABSENT - Beaudoin, Beaulieu, Bolduc, Crockett, Dion, MacDonald S, McGowan, Peavey Haskell, Peterson, Volk.

Yes, 64; No, 77; Absent, 10; Excused, 0.

64 having voted in the affirmative and 77 voted in the negative, with 10 being absent, and accordingly the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**.

Subsequently, Representative DILL of Old Town moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

The same Representative **REQUESTED** that the Clerk **READ** the Committee Report.

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

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Villa.

Representative **VILLA**: Thank you, Mr. Speaker. I rise in support of the Minority Report. If not for a horse, would Alexander have been the Great, would Paul Revere have spread the word? We've heard stories of horses at work on the farm, at war, at play, in film and in books. Can you imagine the Lone Ranger on the back of a cow, a sheep, a pig? I would dare say that they are very different than your average livestock. Who doesn't remember Sea Biscuit or Secretariat, beautiful animals that inspired millions with their come-from-behind underdog victories? Most horse owners have a relationship with their horses, much like many of us have with our dogs and cats. They are companion and even therapy animals. Studies show that 80 percent of the American public opposes horse slaughter,

including our U.S. Senators Olympia Snowe and Susan Collins. Horses have served mankind for so long and for so well, and they still do. They have literally shaped human history and they do not deserve such a fate as horse slaughtering. It is time to stop aiding and abetting the practice of it and vote in favor of the Minority Report. Please vote green. Thank you.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Dickerson.

Representative **DICKERSON**: Mr. Speaker, are there others in the queue who would wish to speak first?

The SPEAKER: There are three others in the queue.

Representative **DICKERSON**: I can defer while they speak, if you wish, and then come in afterwards.

The SPEAKER: The Chair recognizes the Representative from Norridgewock, Representative Dorney.

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

The SPEAKER: The Representative may pose her question.

Representative **DORNEY**: That's whether or not this bill forbids slaughter and the export of animals for slaughter, just for human consumption or for anything.

The SPEAKER: The Representative from Norridgewock, Representative Dorney, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Rockland, Representative Dickerson.

Representative **DICKERSON**: Thank you. The bill addresses human consumption. I believe not specifically animal food.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **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 Rockland, Representative Dickerson.

Representative **DICKERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Thank you for hearing this important issue and becoming aware of this issue. I realize that it isn't something that we hear about a lot because not all of us have horses or are connected to industries or endeavors; however, the horse does, as my good seatmate spoke about, occupy a very special place in the development of human history. The horses that we love earn us sometimes hundreds of thousands of dollars, sometimes no dollars, sometimes work our farms, sometimes end up in a kill pen at New Holland in Pennsylvania, and there they will be, and then there are individuals who put everything that they have into getting them out of there. Sometimes there are racing people who are working to get horses to a safer place. Everybody is trying to do what they can. I really mean that. There are some unscrupulous individuals and there are many good individuals; however, until we finally ban the practice of slaughter and transport to slaughter, the real action that we need to take to change the status quo won't come into play because sometimes you have to decide that you're just not going to do something that isn't right and you have to decide to take the steps necessary to make it happen. It is possible in Maine to take those steps. Maine's horse population is considerably smaller than other states' populations. Considering the fact that 40,000 thoroughbreds hit the ground in other states every year, we have a much smaller population of horses and it is doable. I absolutely commit that if you vote green on this measure, that I will dedicate one hundred percent of my time, as you have come to know me as a consensus-based individual who works on facts and who works pleasantly and amicably with other people to get the job done, that we will solve this problem and we will work together to make it happen. I urge you, with all my heart, to vote green to support the Minority Report. Thank you very much.

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

ROLL CALL NO. 268

YEA - Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Doak, Dorney, Espling, Evangelos, Farnsworth, Frey, Gattine, Gideon, Gilbert, Goode, Grant, Hamann, Harlow, Harvell, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Lockman, Longstaff, MacDonald W, Maker, Mason, Mastraccio, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Newendyke, Pease, Peavey Haskell, Peoples, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Turner, Verow, Villa, Weaver, Welsh, Werts, Winchenbach.

NAY - Ayotte, Bennett, Black, Campbell R, Carey, Clark, Cotta, Crafts, Cray, Davis, Dunphy, Duprey, Fitzpatrick, Fowle, Fredette, Gifford, Gillway, Graham, Guerin, Hayes, Jackson, Johnson D, Johnson P, Keschl, Kinney, Libby A, Long, Luchini, Malaby, Marean, Marks, McCabe, McClellan, McElwee, Nadeau A, Noon, Nutting, Parry, Sanderson, Shaw, Sirocki, Timberlake, Tyler, Volk, Wallace, Willette, Wilson, Winsor, Wood.

ABSENT - Beaudoin, Beaulieu, Crockett, Dion, MacDonald S, McGowan, Peterson, Mr. Speaker.

Yes, 94; No, 49; Absent, 8; Excused, 0.

94 having voted in the affirmative and 49 voted in the negative, with 8 being absent, and accordingly the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-376)** 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-376)** and sent for concurrence.

REPORTS OF COMMITTEE
Divided Reports

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-158)** on Bill "An Act To Make Technical Changes to the Agriculture, Conservation and Forestry Laws"

(S.P. 332) (L.D. 987)

Signed:
Senators:
JACKSON of Aroostook
BOYLE of Cumberland

Representatives:
DILL of Old Town
BLACK of Wilton
JONES of Freedom
KENT of Woolwich
MAREAN of Hollis
NOON of Sanford

SAUCIER of Presque Isle

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-159)** on same Bill.

Signed:

Senator:

SHERMAN of Aroostook

Representatives:

CRAY of Palmyra

TIMBERLAKE of Turner

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-158)**.

READ.

On motion of Representative DILL of Old Town, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-158)** 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" (S-158)** in concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-227)** on Bill "An Act To Provide for Greater Public Input and Local Control in the Chartering of Public Schools"

(S.P. 389) (L.D. 1128)

Signed:

Senators:

MILLETT of Cumberland

JOHNSON of Lincoln

Representatives:

MacDONALD of Boothbay

DAUGHTRY of Brunswick

HUBBELL of Bar Harbor

KORNFIELD of Bangor

NELSON of Falmouth

POULIOT of Augusta

RANKIN of Hiram

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-228)** on same Bill.

Signed:

Senator:

LANGLEY of Hancock

Representatives:

JOHNSON of Greenville

MAKER of Calais

McCLELLAN of Raymond

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (S-227)** Report.

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-227)**.

READ.

Representative MacDONALD of Boothbay moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative FREDETTE of Newport **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: 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. 269

YEA - Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Carey, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Werts, Winchenbach, Mr. Speaker.

NAY - Ayotte, Bennett, Black, Campbell R, Casavant, Chase, Clark, Cotta, Crafts, Cray, Davis, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, Jackson, Johnson D, Johnson P, Keschl, Kinney, Libby A, Lockman, Long, Maker, Malaby, Marean, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Reed, Sanderson, Sirocki, Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Wilson, Wood.

ABSENT - Beaudoin, Beaulieu, Crockett, Dill, Dion, Knight, MacDonald S, McGowan, Peterson, Willette, Winsor.

Yes, 89; No, 51; Absent, 11; Excused, 0.

89 having voted in the affirmative and 51 voted in the negative, with 11 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-227)** 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" (S-227)** in concurrence.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act To Allow Boards and Associations of Lakes and Ponds To Stock Fish"

(S.P. 204) (L.D. 514)

Signed:

Senators:
DUTREMBLE of York
BURNS of Washington
HASKELL of Cumberland

Representatives:
SHAW of Standish
BRIGGS of Mexico
ESPLING of New Gloucester
KUSIAK of Fairfield
MARKS of Pittston
SHORT of Pittsfield

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-210)** on same Bill.

Signed:
Representatives:
CRAFTS of Lisbon
DAVIS of Sangerville
EVANGELOS of Friendship
WOOD of Sabattus

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

READ.

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

Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-229)** on Bill "An Act To Provide an Exemption for Incidentally Caught Lobsters" (EMERGENCY) (S.P. 591) (L.D. 1549)

Signed:
Senator:
WOODBURY of Cumberland

Representatives:
KUMIEGA of Deer Isle
KRUGER of Thomaston
PARRY of Arundel
SAXTON of Harpswell
WEAVER of York
WINCHENBACH of Waldoboro

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

Signed:
Senators:
JOHNSON of Lincoln
MAZUREK of Knox

Representatives:
CHAPMAN of Brooksville
DEVIN of Newcastle
DICKERSON of Rockland
DOAK of Columbia Falls

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

READ.

Representative KUMIEGA of Deer Isle moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought Not to Pass** Report.

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

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

Representative **PARRY**: Thank you, Mr. Speaker. As most of you know, I am a lobsterman myself and this was an issue that kind of is divided down not party lines, but location lines. I looked at this bill as a bill that gave an opportunity to bring the drag boats back to Portland without bringing lobsters back. We were all, on the committee, dead set against the dragging of lobsters and landing them in Portland, but I looked at it that possibly we could work out something. That's why we put the sunset in this bill, as a way to work on getting these draggers and the jobs back to Portland. It was a difficult decision because, personally, I am dead set against dragging for lobsters. As some of you have seen the photos, it's horrible. But I wanted to give the opportunity for these draggers and for people in Portland and here in Augusta to work out something where we could bring the draggers back to Portland. Like I said before, it's not a Democrat/Republican issue. It's more of a regional issue. I know that a lot of the lobstermen, Midcoast, Downeast, think it's horrible no matter what. Lobstermen in Portland depend on the infrastructure that is in Portland and a lot of the same infrastructure that these bigger draggers that fish way outside use, the lobstermen use, and a lot of them understand that. But they hate dragging for lobsters just as much as anybody else. Like I said before, I looked at it as a window. If nothing can be worked out, then in three years, they go to Massachusetts. I looked at it as limiting their dragging to Area 3. If they become Massachusetts registered vessels, they will be dragging in Area 1. I looked at it as a compromise there and for the next three years for us here, for the people in Portland, and to try to work out some deal where possibly down the road we would have all those draggers back in Portland, along with the shore side jobs back in Portland. So it was just on my part not advocating for dragging for lobsters, but more as a window of opportunity to possibly get them back here permanently with not dragging for lobsters anymore. Thank you, ladies and gentlemen. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Saxton.

Representative **SAXTON**: Thank you, Mr. Speaker. Good morning, Ladies and Gentlemen of the House. I felt it necessary to tell you why I've changed my opinion since the committee vote. I originally voted with the Majority Ought to Pass as Amended version of this bill. My vote was in line with an earlier stand on another bill to say that I want no dragging for lobsters. My thought process was that by keeping these remaining draggers in Maine, they would be subject to our laws. Since that vote, I have had conversations with dozens of fishermen. While they understood that I was and am still very much against dragging for lobsters, they felt that this bill would be a toehold in a door. Our lobster industry is strong and something to be very proud of. I look forward to an opportunity to work on measures to help the draggers and the economy that surrounds them. This bill is not the way to do it. I will be voting Ought Not to Pass. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Brooksville, Representative Chapman.

Representative **CHAPMAN**: Thank you, Mr. Speaker. Mr. Speaker, Friends and Colleagues of the House. The difficulty with the ground fishing industry cannot be solved by this bill. The ground fishing industry landings peaked in the 1980s and, like

every other commercial fishery, has collapsed due to overfishing. I say every other fishery with the exception of the lobster industry, which has practiced conservation measures for a century and has reaped the benefits of having a sustainable fishery, unlike all the other commercial fisheries. If this bill were to be able to help the ground fishing industry, it might be worth consideration, but it's not able to pull the ground fishing industry out of the problem that it has which is that the fish have been decimated. I will be voting to accept the motion before us, Ought Not to Pass. Thank you.

The SPEAKER: The Chair recognizes the Representative from Friendship, Representative Evangelos.

Representative **EVANGELOS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I agree with the sentiments just expressed by Representative Chapman. The biggest problem besides the environmental degradation that the dragging causes is that "incidental catch" will become "accidently on purpose." It will just become human nature. If you're having a couple of bad days offshore catching ground fish, you're going to end up going hunting for lobsters rather than it being incidental. I urge you to vote yes on the pending motion. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Thomaston, Representative Kruger.

Representative **KRUGER**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I have been and I remain vehemently opposed to landing lobsters caught from offshore as by catch; however, I am voting no on this motion in favor of the bill because I believe that we have to do something for the ground fish industry and we have to do something for development in southern Maine. Once the ground fishermen are gone, they are gone and this won't save them. I'm not under any illusions about that, but I really believe that a vote no is in order on this bill. I have spoken to my many lobstermen constituents and I have spoken to a lot of people, and I've thought long and hard about it, and I urge you to join me in voting no on this motion.

The SPEAKER: The Chair recognizes the Representative from Columbia Falls, Representative Doak.

Representative **DOAK**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I agree one hundred percent with Representative Chapman and I am against dragging for lobsters. Thank you.

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

Representative **DEVIN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. People often ask why are our lobstermen so vehemently against anything that affects their industry. The reason for that is quite simple. Lobstermen have been fishing for generations and a century ago, the lobster fishery in the State of Maine crashed, just like the cod fishery crashed, a decade to 15 years ago and from the 19-teens until the 1930s, the lobstermen in this state struggled with how they were going to get their fishery back. It took two decades for them to agree that we need to build a trap that will allow small lobsters out. We've got to release small lobsters that we do catch. We've also got to release lobsters of a larger size. Also, we need to take females that we know are reproducing, we need to mark them and release them so if we do catch them again, we'll know that these are egg bearing, egg producing animals and we need them as our broodstock. That took two decades to do. It then took another two decades for the lobster fishery to come back, into the 1950s, and if you look at the landing records from the 1950s, until 2010, they go just like this. We're in this really weird stage right now where they've actually shot up and it's probably the only fishery in the world that's been harvested for well over a century in which landings have recently gone up. But if you ignore that spike and you look at it from the '50s to 2010, it's pretty steady and a lot of that has to do with the way lobstermen have accepted the way that they need to manage their fishery. The other thing you need to understand about lobsters is that the inshore lobsters and the offshore lobsters are not distinct populations. That is that the offshore large lobsters serve as the broodstock for the inshore lobsters. So the offshore lobsters go off and have their fun and reproduce, and they put larvae into the water column and through the swimming ability of that larvae and the currents, that larvae is driven back to the coast where the larvae settle down and grow up, and in six or seven years, the fishermen are able to start harvesting them. Then, as they get older and larger, they start to move back into deep water where they become part of the breeding population. The draggers need to understand this. They need to look at their brethren who have been managing their fishery successfully since really the 1930s and follow what the lobstermen have done. The draggers need to understand there is no quick fix, that picking up a few dragged lobsters is not going to help the cod come back. It's not going to help the other ground fish species that have collapsed. In fact, to the north of us, when the cod fishery collapsed, they completely shut it down. It hasn't come back yet. We need to be looking at other things, and in terms of Portland, this isn't going to impact Portland either. Portland is struggling because there is not enough fish. We need to look at fisheries over the long-term, how do we improve those fisheries. Right now, the ground fish are processing fish at sea and throwing part of the fish over. That part of the fish that they are throwing over, they could actually bring into Portland and sell as lobster bait. We need to invest in freezer technology, not to make ice, but to flash freeze, process seafood so that it can be shipped to Toronto or maybe to Tokyo, anywhere in the world. Canada invested in it. Massachusetts invested in it. And guess what happened to our processing capability? It went down the tubes. These are the areas that we need to work with Portland to develop, so that they can have a thriving working waterfront. I, like everyone else in here, does not want to see the Portland waterfront a bunch of condominiums. We need to put our heads together to go into a right direction. Thank you very much, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Pittsfield, Representative Short.

Representative **SHORT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to speak in favor of the pending motion. Mr. Speaker, as many of us know, Maine lobstering is often a family affair. Techniques and territories have been passed down from generation to generation. It is a close, united community of harvesters who take care of and watch out for one another. They also take great care to make certain that lobsters aren't overharvested and that the breeding stock remains and thrives in Maine's cold waters. Their relationship with the sea, their boats, their traps and the lobster itself has created legend and war. We must do whatever we can to strengthen and preserve this special piece of Maine culture and its rich Maine tradition. If I wanted to become more educated and enlightened about lobstering and what needs to be done or not done to make sure that lobsters are not overharvested, I know where I'd go to get that information. That's the men and women that trap lobster on the coast of Maine. These people are opposed to the passage of LD 1549. They say it's bad for business and that is good enough for me. I ask you to support the pending motion and vote against LD 1549. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Crockett.

Representative **CROCKETT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Some days, you're just surprised about what you've got to talk on and today is one of them. I represent the northwest corner of the state, all the lakes and mountains. If you ask yourself why do I have a vested interest in this, well, it turns out one of the largest fishermen in the state lives in my district. Now, he lives in that district and I'd like to keep him there. He is a great taxpayer, not just to my area, but to the City of Portland. Apparently, if this bill doesn't pass, what's going to happen is him and his four ships are going to register in Massachusetts because the State of Massachusetts sees an interest in having this business there because it could mean hundreds of jobs. Now, they have offered low interest loans. They have offered a great deal. In all, the State of Maine, in order to keep this employer here, we have to pass this law and what this law does is it affects Area 3, which is roughly 50 miles off the shore, where dragging for lobster is legal. Now, you ask, okay, we've all admitted dragging for lobster is not the best thing in the world, I get that, and our lobster industry is managed very well in the State of Maine, so what is the impact of allowing these incidental catch lobsters to be brought ashore here in Maine? Five hundred thousand dollars' worth of lobster is what we're talking about, out of $300 million in the fishing industry. That's just a drop in the bucket and what you're going to lose by not passing this are lots of jobs. The industry in Portland, the boats, the fishermen, they're going to reregister in Massachusetts. Do what you want to on this bill, but I would encourage you, if you support business in Maine and you support any sort of fishing, by all means, oppose the pending motion and vote in favor of the bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Waldoboro, Representative Winchenbach.

Representative **WINCHENBACH**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I oppose dragging of lobsters, but as a member of the Marine Resources Committee, I voted for this bill because I wanted to look at the entire fishing industry and not just favor one industry over the other. I have great pride in the Maine lobstering industry, but I also want to keep the fishing boats in Maine. Why I voted for this bill was to make it legal for these fishing vessels to do what they already are doing, and that's why I voted for it. I didn't want to lose the business and I didn't want southern Maine to lose, you know, the Portland Fish Exchange. But because of the negative feedback from the lobstermen, they really don't like those fishing vessels taking their lobster so I'm going to have to change my vote to Ought Not to Pass, but I do hope that both entities can work together in the future, as it was suggested at our last committee meeting, because this issue needs to be resolved. Thank you.

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

Representative **JORGENSEN**: Thank you, Mr. Speaker. Mr. Speaker, Colleagues of the House. What this is is a small measure to support Maine's ground fishing industry, which is now down to 12 boats and their Maine crews. These vessels are supported by a whole network of shore side businesses, fish auction, ice, fuel and gear that support these vessels, and they support both the ground fishing industry, these businesses do, but also other fishing operations up and down the coast. It's got broad impact that goes beyond these 12 boats. As amended, also I would just remind the House that this bill provides important safeguards. It sunsets in three years and that will allow us to see how this policy is working, and it will allow us, most importantly, to put the brakes on this actually if there is evidence that it is harming the lobstering industry. That's all I'm going to say, but I hope you will consider voting against the motion at hand. Thank you very much.

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

Representative **DEVIN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I apologize for rising a second time, but I just wanted to comment on the good Representative from Bethel and Portland, their comments. First of all, we're talking 10 to 12 boats. These boats are already primarily landing their fish in Gloucester. Where you land your fish is where you use a lot of your port services. Often, it's a deal. If you land your fish here, we're going to give you a better deal on your fuel oil. So guess where you get your fuel oil? There is no doubt that Portland is going to lose out on some vessel services, but there are 5,000 other boats that are fishing for lobsters. That's not counting the other boats that are involved in fishing and then all those boats that are not engaged in fishing, but plying the waters of coastal Maine. Jobs, you're talking about jobs. Actually, I'm not sure if we're going to lose all that many jobs at all because the boats may actually get licensed in Massachusetts, but there is a very good chance that the crews are going to remain the same. I'll give you an example. When our scallop fishery collapsed, where did all those scallop shuckers go? Well, those guys from Downeast and the Midcoast, in the wintertime, they end up going down to Connecticut and Cape Cod to fish on boats that go offshore down there. They work for a couple of months. They come back to Maine. They are sailors and fishermen. They go where the fish are. So you're talking, at worst, 50 jobs. What are you talking about on the lobster side? You're talking 7,000 jobs. You're talking a billion dollar industry that's not only important for the fishing industry, but it's vital for our coastal tourism which is tied into our inland tourism, and it's also tied into those communities and the social and cultural aspects that makes Maine so diverse and unique. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Freedom, Representative Jones.

Representative **JONES**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House. I will keep my comments brief. For those of us who have no concept of history, I refer you to the writings of the founders of the Virginia Colony and the Plymouth Colony. Cod were so plentiful that all you had to do was dip your net or your line in the water and your meal was guaranteed. Gentlemen and ladies, we have no cod fishery in the Northeast and part of that is because we haven't taken proper management of our fishery. It's the tragedy of the commons. I would argue before this House, gentlemen and ladies, that in 1700, we had 400 fishing schooners for cod. I will also argue, gentlemen and ladies, that between 1768 and 1772, 35 percent of New England's exports were fish or fishery related. We cannot allow this bill, okay, to progress and take away the last fishery that we have intracoastally, or in those waters that we control. We cannot allow this fishery to be exhausted, not only for the wealth and income of our friends and neighbors, but also for the ecological fact that this is our fishery and we have to protect it. Quite frankly, if we do not act and I'll mention this to all my gentlemen and women friends on the fact that markets control things. There is such a thing as the tragedy of the commons and it relies on us as Representatives of the common men and women to protect that common. I would respectfully urge you to vote to accept the pending motion. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Minority Ought

Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 270

YEA - Ayotte, Beavers, Beck, Bennett, Berry, Black, Boland, Briggs, Campbell R, Carey, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Clark, Cooper, Crafts, DeChant, Devin, Dickerson, Dill, Doak, Dorney, Dunphy, Evangelos, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gilbert, Gillway, Goode, Graham, Grant, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jackson, Johnson P, Jones, Kaenrath, Kent, Keschl, Knight, Kornfield, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Maker, Marks, Mason, Mastraccio, McCabe, McElwee, McLean, Monaghan-Derrig, Moriarty, Morrison, Nadeau C, Noon, Pease, Peavey Haskell, Peoples, Plante, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Sirocki, Stanley, Theriault, Timberlake, Tipping-Spitz, Treat, Turner, Verow, Villa, Volk, Wallace, Welsh, Werts, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Bolduc, Campbell J, Cotta, Cray, Crockett, Daughtry, Davis, Duprey, Espling, Farnsworth, Gideon, Gifford, Guerin, Hamann, Harlow, Harvell, Johnson D, Jorgensen, Kinney, Kruger, Libby A, Lockman, Long, Malaby, Marean, McClellan, Moonen, Nadeau A, Nelson, Newendyke, Nutting, Parry, Pouliot, Russell, Sanderson, Stuckey, Tyler, Weaver.

ABSENT - Beaudoin, Beaulieu, Brooks, Dion, MacDonald S, McGowan, Peterson.

Yes, 106; No, 38; Absent, 7; Excused, 0.

106 having voted in the affirmative and 38 voted in the negative, with 7 being absent, and accordingly the Minority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-234)** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Unicameral Legislature

(S.P. 538) (L.D. 1454)

Signed:
Representatives:
BOLAND of Sanford
CHENETTE of Saco
COTTA of China
HAYES of Buckfield
MacDONALD of Old Orchard Beach
NADEAU of Winslow
NADEAU of Fort Kent
PEASE of Morrill

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

Signed:
Senators:
LACHOWICZ of Kennebec
COLLINS of York

Representative:
GRAHAM of North Yarmouth

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

READ.

On motion of Representative GRAHAM of North Yarmouth, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The RESOLUTION was **READ ONCE**. **Committee Amendment "A" (S-234)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the RESOLUTION was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-234)** in **NON-CONCURRENCE** and sent for concurrence.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Establish Ranked-choice Voting in the State"

(S.P. 208) (L.D. 518)

Signed:
Senators:
TUTTLE of York
MASON of Androscoggin
PATRICK of Oxford

Representatives:
LUCHINI of Ellsworth
BEAULIEU of Auburn
FOWLE of Vassalboro
GIFFORD of Lincoln
JOHNSON of Eddington
KINNEY of Limington
LONGSTAFF of Waterville
SCHNECK of Bangor

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-244)** on same Bill.

Signed:
Representatives:
RUSSELL of Portland
SAUCIER of Presque Isle

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

READ.

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

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-437)** on Bill "An Act To Amend the Laws Governing Virtual Public Charter Schools"

(H.P. 331) (L.D. 481)

Signed:
Senators:
MILLETT of Cumberland
JOHNSON of Lincoln

Representatives:
MacDONALD of Boothbay
DAUGHTRY of Brunswick
HUBBELL of Bar Harbor

KORNFIELD of Bangor
NELSON of Falmouth
RANKIN of Hiram

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-438)** on same Bill.

Signed:
Senator:
LANGLEY of Hancock

Representatives:
JOHNSON of Greenville
MAKER of Calais
McCLELLAN of Raymond
POULIOT of Augusta

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-437)** Report.

READ.

Representative MacDONALD of Boothbay moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative FREDETTE of Newport **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: 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. 271

YEA - Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Carey, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Werts, Winchenbach, Mr. Speaker.

NAY - Ayotte, Bennett, Black, Campbell R, Casavant, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, Jackson, Johnson D, Johnson P, Keschl, Kinney, Knight, Libby A, Lockman, Long, Maker, Malaby, Marean, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Pouliot, Reed, Sanderson, Sirocki, Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Willette, Wilson, Winsor, Wood.

ABSENT - Beaudoin, Beaulieu, Dion, MacDonald S, McGowan, Peterson.

Yes, 89; No, 56; Absent, 6; Excused, 0.

89 having voted in the affirmative and 56 voted in the negative, with 6 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-437)** 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-437)** and sent for concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-432)** on Bill "An Act To Amend the Compulsory School Attendance Laws"

(H.P. 871) (L.D. 1231)

Signed:
Senator:
MILLETT of Cumberland

Representatives:
MacDONALD of Boothbay
DAUGHTRY of Brunswick
JOHNSON of Greenville
KORNFIELD of Bangor
MAKER of Calais
McCLELLAN of Raymond
NELSON of Falmouth
POULIOT of Augusta
RANKIN of Hiram

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

Signed:
Senators:
JOHNSON of Lincoln
LANGLEY of Hancock

Representative:
HUBBELL of Bar Harbor

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Minority **Ought Not to Pass** Report.

READ.

Representative MacDONALD of Boothbay moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative FREDETTE of Newport **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.

Representative POULIOT of Augusta **REQUESTED** that the Clerk **READ** the Committee Report.

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

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. 272

YEA - Ayotte, Beavers, Beck, Bennett, Berry, Black, Boland, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Cooper, Cotta, Crafts, Crockett, Daughtry, Davis, DeChant, Devin, Dickerson, Dill, Doak, Dorney, Duprey, Evangelos,

Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gilbert, Gillway, Goode, Graham, Grant, Hamann, Harlow, Harvell, Hayes, Herbig, Johnson P, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Libby N, Long, Longstaff, Luchini, MacDonald W, Maker, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Noon, Parry, Pease, Peavey Haskell, Peoples, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Verow, Villa, Volk, Wallace, Welsh, Werts, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Clark, Cray, Dunphy, Espling, Gifford, Guerin, Hickman, Hubbell, Jackson, Johnson D, Kusiak, Lajoie, Libby A, Lockman, Malaby, Newendyke, Nutting, Sirocki, Weaver, Willette.

ABSENT - Beaudoin, Beaulieu, Dion, Hobbins, MacDonald S, McGowan, Peterson.

Yes, 124; No, 20; Absent, 7; Excused, 0.

124 having voted in the affirmative and 20 voted in the negative, with 7 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-432)** 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-432)** and sent for concurrence.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-420)** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish the Right To Hunt and Fish

(H.P. 930) (L.D. 1303)

Signed:
Senators:
DUTREMBLE of York
BURNS of Washington

Representatives:
SHAW of Standish
BRIGGS of Mexico
CRAFTS of Lisbon
DAVIS of Sangerville
ESPLING of New Gloucester
EVANGELOS of Friendship
KUSIAK of Fairfield
SHORT of Pittsfield
WOOD of Sabattus

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

Signed:
Senator:
HASKELL of Cumberland

Representative:
MARKS of Pittston

READ.

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

The RESOLUTION was **READ ONCE**. **Committee Amendment "A" (H-420)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the RESOLUTION was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-420)** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Create the Maine Online Privacy Protection Act" (EMERGENCY)

(H.P. 222) (L.D. 313)

Signed:
Senators:
BURNS of Washington
TUTTLE of York

Representatives:
PRIEST of Brunswick
BEAULIEU of Auburn
CROCKETT of Bethel
DeCHANT of Bath
GUERIN of Glenburn
MONAGHAN-DERRIG of Cape Elizabeth
MOONEN of Portland
MORIARTY of Cumberland
PEAVEY HASKELL of Milford
VILLA of Harrison

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-435)** on same Bill.

Signed:
Senator:
VALENTINO of York

READ.

On motion of Representative PRIEST of Brunswick, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Ensure Accountability of Guardians Ad Litem and Parenting Coordinators"

(H.P. 689) (L.D. 975)

Signed:
Senators:
VALENTINO of York
TUTTLE of York

Representatives:
PRIEST of Brunswick
BEAULIEU of Auburn
CROCKETT of Bethel

DeCHANT of Bath
MONAGHAN-DERRIG of Cape Elizabeth
MOONEN of Portland
MORIARTY of Cumberland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-434)** on same Bill.

Signed:
Senator:
BURNS of Washington

Representatives:
GUERIN of Glenburn
PEAVEY HASKELL of Milford
VILLA of Harrison

READ.

Representative PRIEST of Brunswick moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-436)** on Bill "An Act To Provide Immunity for Prescribing and Dispensing Intranasal Naloxone Kits"

(H.P. 737) (L.D. 1046)

Signed:
Senators:
VALENTINO of York
TUTTLE of York

Representatives:
PRIEST of Brunswick
BEAULIEU of Auburn
CROCKETT of Bethel
DeCHANT of Bath
MONAGHAN-DERRIG of Cape Elizabeth
MOONEN of Portland
MORIARTY of Cumberland
PEAVEY HASKELL of Milford
VILLA of Harrison

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

Signed:
Senator:
BURNS of Washington

Representative:
GUERIN of Glenburn

Representative MITCHELL of the Penobscot Nation - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-436)** Report.

READ.

Representative PRIEST of Brunswick moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative FREDETTE of Newport **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: 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. 273

YEA - Beavers, Beck, Berry, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Crockett, Daughtry, DeChant, Devin, Dickerson, Dill, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby A, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peavey Haskell, Peoples, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Volk, Welsh, Werts, Wilson, Mr. Speaker.

NAY - Ayotte, Bennett, Black, Boland, Campbell R, Chase, Clark, Cotta, Crafts, Cray, Davis, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, Jackson, Johnson D, Johnson P, Keschl, Kinney, Lockman, Long, Maker, Malaby, Marean, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Pouliot, Reed, Sanderson, Sirocki, Timberlake, Turner, Tyler, Wallace, Weaver, Willette, Winchenbach, Winsor, Wood.

ABSENT - Beaudoin, Beaulieu, Dion, MacDonald S, McGowan, Peterson.

Yes, 94; No, 51; Absent, 6; Excused, 0.

94 having voted in the affirmative and 51 voted in the negative, with 6 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-436)** 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-436)** and sent for concurrence.

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-418)** on Bill "An Act To Require Prevailing Wages To Be Paid on All Public Works Projects Receiving State Funding"

(H.P. 815) (L.D. 1150)

Signed:
Senators:
PATRICK of Oxford
CLEVELAND of Androscoggin

Representatives:
HERBIG of Belfast
CAMPBELL of Newfield
GILBERT of Jay
HAMANN of South Portland
MASON of Topsham
MASTRACCIO of Sanford

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

Signed:

Senator:

CUSHING of Penobscot

Representatives:

DUPREY of Hampden
LOCKMAN of Amherst
VOLK of Scarborough
WINCHENBACH of Waldoboro

READ.

Representative HERBIG of Belfast moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative WILLETTE of Mapleton **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 Scarborough, Representative Volk.

Representative **VOLK**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to oppose the pending motion. The intent of the prevailing wage law dates back to the original federal law in 1931 known as the Davis-Bacon Act. The purpose of the Davis-Bacon Act was to protect local jobs in states where the construction wages were higher than other states. In these states, out-of-state contractors were moving into the marketplace and winning jobs. Today, especially in Maine, the opposite appears to be true. If you examine the basis for the awarding of large federal contracts, higher wages have allowed bigger firms from out of state to be competitive. Federal rates impacting the construction industry in Aroostook County, for example, have an equipment operator hourly rate and benefits over $50 per hour. This does not help local labor and certainly not taxpayers. Prevailing wage laws are burdensome to businesses and cumbersome for government to monitor. Contractors must submit a copy of all payrolls to the state letting agency, accompanied by a signed statement of compliance indicating that the payrolls are correct and complete. A copy of the records must be kept at the jobsite and be available for inspections by the Bureau of Labor Standards. We talk about the need to cut government and then we see a bill like this. The Department of Labor estimated they would need to hire two new inspectors at a cost of roughly $122,000 per year. This does not even address the unfunded mandate to our municipalities and our school districts who would face higher costs on building projects. Who thinks this is a good idea? Furthermore, having a prevailing wage has become difficult to manage on some jobs. For example, a bridge that crosses one county to another may have an equipment operator receiving different pay on one side than on the other side. There are also numerous cases of higher skilled jobs receiving lower compensation because of skewed wage surveys, such as laborers making nearly the same as skilled workers. The average pay of construction workers in Maine is over $41,000 a year. This is 11 percent more than all private sector employees in the state. The way for us to grow this industry and help the men and women who work hard building our roads, bridges and schools is to encourage private sector growth through legislative policy and invest more in our state-owned infrastructure, not mandate higher wages. Please oppose the pending motion.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Herbig.

Representative **HERBIG**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. LD 1150 guarantees that public dollars spent to build our schools support good wages and good working standards; however, more importantly than this, this legislation will ensure that our local schools are of the highest quality construction. I urge you to support LD 1150.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative DeChant.

Representative **DeCHANT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The rationale behind the prevailing wages law is that the state and federal government, on major purchases of construction services, should not depress wages or overall compensation packages. Instead, they should at least meet prevailing wages and lift all boats. This bill seeks to make sure that all public schools, which are funded with some portion of state money, are following prevailing wage laws. There is currently a loophole in the law that allows public school construction to escape prevailing wage requirements. This bill corrects that loophole. Thank you.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Harvell.

Representative **HARVELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. After the First World War, John Maynard Keynes got his start and he wrote his first work, which was called *The Economic Consequences of the Peace*, where he laid down the disaster that was unfolding at Versailles. He then went into a bit of seclusion and developed his general theory, and in his general theory, he came upon the phrase, he adopted the phrase "sticky wages," and that is, in recessionary times, wages are high and wages have to come down. Now Keynes knew it would be nearly politically impossible because of the way that was set up to do that, because of the contracts that were built, but you could do it through inflation and one of the very dynamics of Keynesian theory is that you can inflate currency and bring wages down. When you have Davis-Bacon and you have these conflicts and you are stimulating the federal dollar at the same time, you are trying to run two counter economic theories and they will collide with one another, and collide they have. I urge you to vote no.

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. 274

YEA - Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Mason, Mastraccio, McCabe, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Werts, Mr. Speaker.

NAY - Ayotte, Bennett, Black, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, Jackson, Johnson D, Johnson P, Keschl, Kinney, Knight, Libby A, Lockman, Long, Maker, Malaby, Marean, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Pouliot, Reed, Sanderson, Sirocki, Timberlake, Turner, Tyler,

Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Beaudoin, Beaulieu, Campbell R, Dion, MacDonald S, Marks, McGowan, Peterson.

Yes, 88; No, 55; Absent, 8; Excused, 0.

88 having voted in the affirmative and 55 voted in the negative, with 8 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-418)** 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-418)** and sent for concurrence.

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-417)** on Bill "An Act To Require the Use of Preapproved Subcontractors for Publicly Funded Construction Projects"

(H.P. 922) (L.D. 1295)

Signed:

Senator:

PATRICK of Oxford

Representatives:

HERBIG of Belfast
CAMPBELL of Newfield
GILBERT of Jay
HAMANN of South Portland
MASON of Topsham
MASTRACCIO of Sanford

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

Signed:

Senators:

CLEVELAND of Androscoggin
CUSHING of Penobscot

Representatives:

DUPREY of Hampden
LOCKMAN of Amherst
VOLK of Scarborough
WINCHENBACH of Waldoboro

READ.

Representative HERBIG of Belfast moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative FREDETTE of Newport **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 Scarborough, Representative Volk.

Representative **VOLK**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to oppose the pending motion. Under current law, the state contracts with general contractors. Compelling general contractors to use subcontractors, as this bill would do, would mean that they would have to be preapproved by the Bureau of General Services and it would make it difficult for the Bureau of General Services to disclaim any problems arising out of subcontractors who failed to perform. BGS and the Maine Department of Transportation currently use a single process for prequalification of general contractors. The Department of Transportation also opposes this bill because they prefer not to interfere with the contractor/subcontractor relationship. Doing so can translate into an assumption of risk. We heard testimony in committee that the Department of Transportation always works with a general contractor, who then manages all subcontractors rather than managing the risks themselves. The general contractor is on the job day to day. They are better suited to monitor the work the subcontractors are doing. This maintains a higher quality work and lowers costs to taxpayers. How would the Bureau of General Services take on this new burden of preapproving all subcontractors? Why? More state workers, of course. What does this mean? More taxpayer money. It confounds me why in these tough budget times anyone would vote to support bills which increase government while our current state employees go underpaid and overworked. Please follow my light and oppose the pending motion.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Herbig.

Representative **HERBIG**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. LD 1295 will protect the financial interests of Maine taxpayers by ensuring the state employs quality and responsible subcontractors on major publicly funded construction projects and ultimately reducing the overall costs of these projects. This savings will benefit Maine taxpayers rather than general contractors and that's the way it should be. I urge you to support the pending motion.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative DeChant.

Representative **DeCHANT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Today, when public dollars are used to fund construction projects, a general contractor bids for the work, which generally includes the contractor hiring their own subcontractors. Although at face value this may seem like a good system, it's understandable that in reality the general contractors will often attempt to generate a cost savings and this is where the danger lies, by hiring different subcontractors that originally were promised in the original contract and promised to the customer, here, the public entity. When a general contractor tries to save money this way, they pocket the difference and taxpayers are left with a potentially inferior product without the benefit of cost savings. This also makes me think about when my grandfather would often tell me that you need to dance with the one that brought you to the dance, so we need to keep the subcontractors and the contractors together that was the winning bid.

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. 275

YEA - Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Plante, Powers, Priest,

Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Villa, Welsh, Werts, Mr. Speaker.

NAY - Ayotte, Bennett, Black, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, Hayes, Jackson, Johnson D, Johnson P, Keschl, Kinney, Knight, Libby A, Lockman, Long, Maker, Malaby, Marean, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Pouliot, Reed, Sanderson, Sirocki, Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Beaudoin, Beaulieu, Campbell R, Dion, MacDonald S, McGowan, Peterson, Verow.

Yes, 87; No, 56; Absent, 8; Excused, 0.

87 having voted in the affirmative and 56 voted in the negative, with 8 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-417)** 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-417)** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Report "A" (8) **Ought to Pass as Amended by Committee Amendment "A" (H-393)** - Report "B" (3) **Ought to Pass as Amended by Committee Amendment "B" (H-394)** - Report "C" (2) **Ought to Pass as Amended by Committee Amendment "C" (H-395)** - Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Protect Maine Food Consumers' Right To Know about Genetically Engineered Food and Seed Stock"

(H.P. 490) (L.D. 718)

TABLED - June 10, 2013 (Till Later Today) by Representative DILL of Old Town.

PENDING - **ACCEPTANCE OF ANY REPORT**.

Subsequently, on motion of Representative DILL of Old Town Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-393)** was **READ** by the Clerk.

Representative TIMBERLAKE of Turner **PRESENTED House Amendment "B" (H-444)** to **Committee Amendment "A" (H-393)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Turner, Representative Timberlake.

Representative **TIMBERLAKE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The amendments that I have asked to be put on are to state that food means for human consumption only and that we include five contiguous states. We are adding the word "contiguous" to the original motion and we did that. The good Representative from Wilton and I felt that it was important to the businesses of the State of Maine, so that's why we added that because we have two large warehouses in Maine, one being Wal-Mart, the other being Hannaford, that distribute all over New England and it made for better interstate commerce. I hope everybody votes for this now that we've worked this through the process, and I think it's a good bill. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Harvell.

Representative **HARVELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Where to begin. In Genesis 1:29 of the Bible account, we are told "And God said, behold I have given you every plant bearing seed that is on the face of the earth." If you will note, he did not say he authorized a patent to the biotech industry. Since the dawn of time, from the Fertile Crescent where farming began to Egyptian hieroglyphics, to Trajan's Column in Rome celebrating the victory over the Dacian Wars, human beings and their food sources have been documented to us. For thousands of years, humanity has bled and developed their seed sources. Where I live, up the Sandy River, when the original Caucasian Americans came up that river, they found corn and squash and beans planted. We have taken a corn which was a thumb-sized grain and developed it to what it is today, and it did not take place in laboratories. It took place in land grant colleges like Purdue and Cornell and our own Orono, and this was developed by mankind, for mankind, and that intellectual property belongs to humanity. The biotech industry reminds me of the '85 Bears. Remember the "Fridge" Perry, the 300-pound defensive lineman, and they would get down somewhere near the 1 yard line and the ½ yard line, and he would take the ball over the end zone? What we're really being told by these corporations today is that they just marched the ball 100 yards. It was moved down to that half line by every single one of our forbearers. The biodiversity that was created out of this belongs to humanity as well.

During the Irish Potato Famine, that potato famine hit the entire world, but Ireland suffered greatly because they only had really two strains of potatoes. When you begin to shrink the amount of seeds on the thing, you are beginning to destroy biodiversity and that's a problem. Opponents may say that we need this technology to feed the world. Right now, we raise over one and a half times the food for the world and the reason it has not been in there is because of corruption and politics, and, oh, by the way, we're burning it in our cars in the United States. But none of this actually has anything to do with this bill. It has to do with the discussion, but not the bill. The bill merely says that it would require products made with genetically engineering to be labeled, and it does not place Maine as an outlier. Maine would be in a compact with five other states, so we wouldn't be alone, even economically.

In committee, we learned of studies showing potential health risks from Michael Hansen of the Consumers Union. Dr. Charles Benbrook has shown also that 400 million pounds more of chemical use are being applied to our lands because of Roundup Ready crops. The rise of super weeds, there now may be two dozen that are resistant to these crops and the environmental impact that they may have. Dr. Huber from Purdue has shown disturbing trends in what he calls "in our guts" and says that this is more dangerous than DDT. We've heard from people who have religious and dietary objections, that would actually like to know and be able to keep their faith. They'd like to know if they're eating an insect when they are taking a bite out of corn. There is a recent French study that has demonstrated a link to

cancer in Jeffrey Smith's work in *Genetic Roulette*. We learned two weeks ago about Oregon where the unintended consequences of allowing a corporation to regulate these crops. They found unapproved genetically engineered wheat growing in the fields in Oregon and that has threatened the entire wheat market. There was a drop in commodity prices and Japan and South Korea are threatening to boycott a $400 million industry. The U.S. is currently out of compliance with international trade on this because 60 other countries are requiring this labeling, even China. The FDA does not test or regulate these crops. They send a letter which says, based on the nutritional assessment you have conducted, it is our understanding that Monsanto – this is who the letter is being sent to – have concluded that the corn products derived, that you will deal with these, and as you are aware, it is Monsanto's responsibility to ensure that the foods marketed by the firm are safe, wholesome and in compliance with all acceptable legal and regulatory requirements. This is what the FDA sends the biotech industry. When they send Monsanto, in this case, when they send them this letter, I think it's only fair to ask "Who did they send it to?" They sent it to a company that was wrong on Agent Orange, was wrong on PCBs, was wrong on DDT, had to strip away their biodegradable label from their own Roundup crops. In America, the land of baseball, it is not four strikes you're out. It is three.

We've been threatened by these corporations around the country. States have been threatened that if we act upon this, they will sue us. This is troubling to me. In this body alone, we have routinely taken on the Federal Government, which is supposedly the most powerful government in the world, yet if a corporation threatens us, we fear them more. Are we going to give these people veto power over this body and the people of the State of Maine? Do we really live in a world where they have more power than our own Federal Government? It's a question that should be asked. Now, it's time that we took the biotech industry at their word. They go to the patent office and they'll tell the patent office "We have designed a crop or a seed that is so unique it needs a label." Then they will walk over to the FDA and say, "It's just corn." Well, which is it? If it's so unique it requires a patent than I say it is time that it required a label. In this country, we label the difference between concentrated and non-concentrated orange juice which comes from an orange, not the DNA of a flounder that has been put in a strawberry plant. Speaking of strawberries, Donta, in his Faustian bargain, that was the deal he made. I got an idea who Mephistopheles is in this equation. Due to the failure of the FDA to regulate, this bill would be a risk management strategy to uncertainty. It would allow the people of the country and the people of the state to decide if they want to continue to be lab rats in this experiment. I urge you to vote for the amendment and I request a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "B" (H-444)** to **Committee Amendment "A" (H-393)**.

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 Freedom, Representative Jones.

Representative **JONES**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. My sincere gratitude to the good Representative from Farmington for so eloquently pointing out the reasons for this bill which, by the way, just went under the hammer. I rise to speak in opposition, however, to the current amendment. This amendment would do this thing. Under the current bill, which we just passed as a body unanimously under the hammer, okay, would require that four of the following states, in order for this labeling bill to go through, it would require four of the following states to be a trigger to create enactment among us: New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, and Pennsylvania. However, what this current amendment does is it takes away the Dirigo out of Maine. It substitutes these words, "At least five contiguous states including Maine." What this does, Gentlemen and Ladies of the House, it inserts the poison pill which is if New Hampshire does not approve of this labeling measure, this legislation dies. Gentlemen and Ladies of the House, if we unanimously, as we did a few moments ago, agree that genetically modified foods should be labeled and that we should have a consortium of states to support us in litigation, which I'm sure the good Representative from Farmington will agree is coming, that we shouldn't restrict ourselves. Like I said, let's put the Dirigo back into Maine. We cannot restrict ourselves to being dependent on five contiguous states including Maine, which would essentially mean that New Hampshire has veto power over this legislative body. I urge you to defeat the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Sirocki.

Representative **SIROCKI**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today in support of the measure before us. Currently, manufacturers must comply and the federal Food and Drug Administration must promote "honest and fair dealing with consumers." When we purchase orange juice at the supermarket, the labels must indicate whether the product is fresh squeezed or if it is reconstituted juice. Labels inform the consumer with regard to everything from volume, flavor enhancers, vitamin and mineral content, and types of grains. Why do genetically modified foods rise to the level of warranting inclusion on a label? While the FDA has ruled that consumers shouldn't care whether they eat from a genetically engineered plant versus a traditionally bred plant, many consumers feel otherwise. While I am not an expert in this field, it is my understanding that when scientists tinker with the building blocks of life by manipulating their genetic makeup, they are creating something on planet earth that has never existed before. These are not hybrid plants. These are biochemically altered plants. For instance, with corn, a minimum of five unique genes are biochemically united. After multiplying the core unit, it is combined with gold or tungsten dust and embryonic plants are then inoculated. This process results in chromosome changes in some of the plants. The plants are monitored and those with the desired outcome become breeding stock. Since most corn sold today is a genetically modified organism, each and every cell of each and every kernel of corn is comprised of an assortment of altered genes and proteins that humans and animals have never eaten before. Some are concerned about how these new substances may affect us at the molecular level. Will they affect us long-term? Are they affecting us now in the short-term? We don't know. But I do know that I value knowing that the orange juice I purchase for my family is from fresh squeezed juice or not. I read an article whereby one scientist involved with the FDA stated, "Consumers have a right to know - but not to know everything." Some claim that in the name of scientific progress, we are ignoring new data. Some claim that we have bought into the idea so much that we are not looking objectively at the facts. I don't have enough information to make any specific claims against GMO. But, with the rights of the individual in mind, I agree consumers should have the right to know the ingredients, especially those that have been genetically altered and were hitherto unknown on this planet are being used in our food. I am concerned that our consumer protection agency, the FDA, has lost its focus. I am concerned that a "Big

Brother knows best" attitude seems to have taken root on this issue. I urge your support. Thank you, Mr. Speaker.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. It's very difficult to follow the good Representative from Farmington. I just like to know what I'm eating. You know, is a tomato a tomato? Is corn, corn? Right now, we don't know the answer to that. A few years ago, we passed a bill to label calories at restaurants and while it may not look like it and while my scale may disagree with me, it has actually changed what I eat when I go out. When I go out to the grocery store, when I look at organic tomatoes or every other tomato, I don't know what every other tomato means. Is it genetically modified or not? Right now, we don't have answers to that when we go to the store and I think this bill sets us on a track to be able to know what's in our food and that's always good. There are very few things we need in life. We need air to breathe, we need water to drink, and we need food to eat. Are we going to start patenting our oxygen? Are we going to start putting patents on our water? It's bad enough that our water is now bottled. And I want to speak to the five states issue because I actually agree with the good Representative from Freedom. I think we should just do it. I think we should lead. I think we should do it on our own. But I'm not going to let the perfection be the enemy of progress. I still believe that today, even when we vote in support of this, that we will be making history. I believe that we will be taking a stand against the corporatization of our food. I believe we will be empowering consumers by ensuring that they know what their food is, what's in it and how it's made. And at the end of the day, what's most important is that this means we can breathe easy knowing that we can eat better and we can eat more informed. Thank you, Mr. Speaker.

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

Representative **GUERIN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I stand in support of passage of this bill. I grew up in the Wonder Bread generation. No one questioned the nutritional value of white bread or white rice. That was just the accepted norm. Then people started doing studies and looking into it and questioning that and our society's interest started to be peaked in that. Today, I have been looking, in the past few weeks, at a number of different scientific studies from around the world. One of them is by Anthony Samsel and Stephanie Seneff, an abstract published in *Entropy*. In this, they talked about some very big scientific words that could take the rest of the day to talk about, so I will kind of condense this one report out of many that have been published around the world. "Glyphosate's Suppression of Cytochrome P450 Enzymes and Amino Acid Biosynthesis by the Gut Microbiome: Pathways to Modern Diseases." And there is a lot of these studies out there that show that the Roundup pesticide is coming into human diets. Roundup Ready crops that are GMO modified, sold by Monsanto, are so prevalent that this is getting into our diets. Their study showed many different scientific things, but then it comes down to the end, and it says, "Consequences are most of the diseases and conditions associated with a Western diet, which include gastrointestinal disorders, obesity, diabetes, heart disease, depression, autism, infertility, cancer and Alzheimer's disease." All of those diseases are affected by the amino acids in our diet that are being killed by this ingredient in Roundup. Do we really want to keep eating that? I don't and I think in recent years food labeling has become very commonplace. If you believe whole grains are better for you than processed grains, you can find that information to make your choice on the label. If you want lower calories, check the label. If we want to avoid GMO ingredients for our families, we should also have that information available. Please join me in voting in favor of this bill.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Villa.

Representative **VILLA**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Labeling food dates back to the early 13th century. Since then, we've become more and more interested in the contents of the food we eat and feed our families. The more informed we are as consumers, the better off we are. I read labels every time I go to the grocery store and I make my purchases based on the ingredients in those foods. Most importantly, our constituents have a right to know. Genetically modified organisms should be no different than the products I choose to avoid, such as high fructose corn syrup or aspartame. It's time to stand up for our constituents who overwhelmingly support this bill and take away the labeling E-Z Pass from the GMO super highway. Thank you.

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Hickman.

Representative **HICKMAN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Food safety, food safety. We're going to hear that word a lot, we have heard it a lot, and it only seems to be brought up when some of us ask that food safety not be used as a weapon against those who would dare question the tyranny of gigantic corporate agribusiness in our food supply. The FDA, which is the agency we are supposed to look to for guidance when it comes to the safety of our food, does not test for genetically engineered organisms' safety. It takes the word of the biotech companies that produce these organisms and put them in our food. The FDA does not test genetically engineered organisms and yet they claim the food is safe. There have been no peer-reviewed scientific studies in the United States of America on genetically engineered organisms precisely because the FDA will not do its job. Recently, however, there has been peer-reviewed scientific evidence on the damages of glyphosates, which are used to keep weeds from growing around genetically engineered foods. These studies have shown that those herbicides contribute to gastrointestinal disorders, obesity, diabetes, heart disease, depression, autism, infertility, cancer and Alzheimer's disease. Glyphosates are the active ingredient in the herbicide we've all heard of called Roundup. It is the main herbicide used today in the United States and increasingly throughout the world in agriculture and lawn maintenance, especially now that the patent has expired. Eighty percent – eighty percent – of genetically modified crops, particularly corn, soy, canola, cotton, sugar beets, and most recently alfalfa, are specifically targeted toward the introduction of genes resistant to glyphosate, the so-called Roundup Ready feature. Studies have shown sharp increases in glyphosate contamination in streams in the Midwestern United States following the mid-1990s, pointing to its increasing role as the herbicide of choice in agriculture. What are we doing to our environment when we support or buy food that we know has been sprayed with this herbicide? A now common practice of crop desiccation through herbicide administration shortly before the harvest therefore assures an increased glyphosate presence in food sources as well. Some of you may know that potatoes are sprayed and then they are sprayed again, and then right before harvest, they are sprayed again. I'm not exactly sure that we should be doing that to ourselves and yet we are. Many experts believe that glyphosate may be more toxic than the industry has claimed, but the effects are only apparent after a considerable amount of time. Studies involving lifelong exposure

in rodents have demonstrated liver and kidney dysfunction and greatly increased risks of cancer with shortened lifespans. Why are we killing ourselves like this? Why? I believe that as more people become aware of the toxicity of our food supply, they make different choices and that is why we request that all food be labeled. The consumers have a right to know. The people want to know what's in their food and they want to be able to make a choice that's right. I strongly support the pending motion. Thank you, Mr. Speaker.

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 as a cosponsor of this legislation, in support of the pending motion which is, in fact, the amendment to the Majority Report, Report "A." I think that this amendment is the best path forward in terms of actually seeing this proposal go into law. Although one might have preferred perhaps a speedier entry into the law books, I think that this approach is a wise one and it will eventually and perhaps quickly get us to where we want to go. I did want to echo the comments that have been made about the health reasons for labeling. The reports that came to the committee have been detailed by members of the Agriculture Committee so I don't need to go through those, but I would just say that in the face of uncertainty, which is what we have, and in the face of a situation where our own FDA is not doing independent studies, it does make a great deal of sense to have labeling and that is something that this state has done in the past on a number of areas. I also wanted to mention because it is an area which, as the co-chair of the Citizen Trade Policy Commission, I've been following developments around the world and perhaps very boringly have posted and talked about this on my Facebook page to the exclusion of other issues, but I do think it's worth noting that around the world there are 67 countries that now require labeling of foods containing GMOs. The European Union, which is a group of countries with which the United States is just about to enter into a negotiation on a free trade agreement, is composed of 27 countries, it represents 20 percent of the global economy and it has the most stringent regulations in the world since 2003. By taking this move and adopting this measure, we're actually becoming part of the mainstream and I think that there is a real economic development component to it. Twice, in 2006 and 2009, shipments from this country have been rejected by other countries because they have been contaminated with GMO seed or product and that is a concern. Just recently, I think it was just last week or earlier this week, unapproved GE wheat was discovered in Oregon and, as a result, Japan and Korea canceled shipment of that American wheat. Now, these are countries, particularly Korea, we just entered into a free trade agreement. The purpose of that agreement was in fact to promote economic development and jobs in this country and to promote trade by not just receiving goods but actually selling goods. So by having labeling of GMO products, we will, in fact, better protect our products in that way and ensure that we have better ability to market those products around the world, which is a big plus for us in Maine, and I hope that you will go along with me and others in support of the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Norridgewock, Representative Dorney.

Representative **DORNEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. A lot of people have spoken very eloquently about genetically modified food. I want to mention a couple of things. I'm not sure whether or not genetically modified food is safe to eat and is a health issue, but I think there are some other issues we need to think about. One issue is that, for millennium, humans have saved their seeds and been able to use those seeds to plant their next crops for the next year, and I think that this, right now, with genetically modified food, we're not able to save seeds which is a real problem for people who are poor and for countries who are poor. We also are having less and less biodiversity and we're learning the importance of biodiversity. If you end up spraying chemicals like Roundup, you end up destroying lots of other crops and other plants in the area. We've already had issues with honeybee populations and bird populations decreasing. The other thing I would like to say is I think that labeling of GMO food would be good for the Maine agriculture. We're having a growing agricultural movement in the state. Most of this is organic food. If we have contamination from GMO seeds on this organic food, it makes it much more difficult for our farmers to sell that food and we have a real opportunity, especially in rural Maine where I come from, where local agriculture is really doing well and really a movement that's growing, we can actually use our organic food movement to increase our economic development in the State of Maine. I hope you will actually vote down this amendment because this amendment does not label genetically modified food, and I agree that this amendment would not likely get the result of labeling genetically modified food. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Caswell, Representative Ayotte.

Representative **AYOTTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I wasn't sure whether or not I should get up to speak. As someone as myself who has majored in biology, loved biology as a science, I thought I'd just say a few words in reference to genetically modified organisms. To allay any fears about genetically modified organisms, we have been doing genetically modified organisms for centuries, whether it be breeding horses, dogs, plants. This has been going on for many, many years. A person by the name of Gregor Mendel discovered the science of genetics and used it to the advantage of the farmer ever since. When you see a DNA molecule, it's usually pictured with four letters: C, G, T, and A. That's cytosine, guanine, thymine, and adenine. These come together in such a way to form a chromosome, which makes up the genes. A gene is usually made up of about 1,500 nucleotides. But as adenine combines with thymine, cytosine combines with guanine. What genetically modified organisms is, is simply changing one of these organic bases, changing adenine or thymine or cytosine or guanine and replacing it with another organic base so you're not adding or detracting anything unnatural, and you're keeping everything natural that was there to begin with in the chromosome. Nothing is added that is foreign to the chromosome. It's exactly the same.

What does it do? It may allow the plant to have its own natural resistance to an insect. It may allow the plant to have its own natural resistance to a virus. It may allow the plant to work or to grow better in a dry situation. What genetically modified organisms do and can do is help feed countries that are starving. I had a sister who spent 39 years in the Belgian Congo. She died of malaria, but she would tell me, when she'd come home every five years, "Bernard, we have organic farming in the Belgian Congo. There are no pesticides. There are no fertilizers. But people are dying of starvation." The American farmer today can feed the world because we have experimented. We have done research in hybrid plants, plants that will resist and grow in formerly climates that were not conducive to these plants. You're not adding anything poisonous to the plant. Nature does it every day a million times. It's called a mutation. I am not against GMO labeling. I don't see why anyone should not know that there is

GMO labeling. What I fear is that this bill may lead to the curtailment or the stopping of GMO experimenting. I would not be in favor of that. I do support the labeling of genetically modified organisms. I feel that you should have that right to know. But believe me, study your biology, study your chromosomes. You're not adding or detracting anything that nature already hasn't put there. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Freedom, Representative Jones.

Representative **JONES**: Thank you, Mr. Speaker. I could talk all day on genetically modified organisms and labeling that I think this body should require, and I have a speech prepared but I will not deliver it because it is not germane to the topic. Gentlemen and ladies, this issue before the House is Amendment (444). This strictly deals with the trigger that enacts this bill. Do we, as a body, want to stand, as Mainers have always done, under the banner of Dirigo, so we want to lead and accept the fact that four of nine Northeast states, which I mentioned earlier, and please accept my apologies for rising a second time, but I want clarify the debate here. Do we want to be one of five Northeast states or do we want to be one of five contiguous states, including Maine, which means we would be held slavery in our legislative process to our neighbors to the south, specifically New Hampshire. Like I said, if we want to debate the GMO labeling bill, I have a floor speech prepared. I'd be willing to talk five, 10, 15, 20, 25, 30, we can all count by fives. What I would really like is to dispense with this amendment rapidly, and once again, I'd urge you Ought Not to Pass on the current motion.

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

Representative **CAREY**: Thank you, Mr. Speaker. Mr. Speaker, this debate has made me think about what it is that makes us different as humans from the rest of creation, and I'd suggest it's cleverness. I'm thinking about watching a chimpanzee use a rock or a piece of straw as a rudimentary tool and now comparing that with the wheel or Pyramids or the repeating rifle, the Internet. Human cleverness has been a source progress and has eased suffering for billons of people across the world. Poverty is at an all-time low across the world. The population bomb that was prophesied in the 1960s has not come to pass, in both of those cases, in large part because of this technology that we're talking about today. But cleverness, we can all come up with just as many sources of evil that has had its root, whether it's an individual ax or in ever more ghastly ways that humans can find to separate us from them, and act upon those worst impulses. There is no reason that a range of results from human cleverness should lead us to fear progress or change, but humility is appropriate. This bill and this amendment is a very humble way to respect progress and change that is the result of human cleverness, while making sure that we all have responsibility for that and responsibility for what we put in our mouths. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Volk.

Representative **VOLK**: Thank you, Mr. Speaker. I really hadn't intended to speak on this, but I was a cosponsor on the bill and I just want to say that the amendment that we are considering, that's before us right now, just makes sense from a financial point of view. We understand that there are some legal concerns potentially with this bill, and allowing us to be part of a consortium of other states would help defray some of those legal costs and would also send a message to the Federal Government that a number of us in the United States are interested in seeing labeling on our food. Thank you.

The SPEAKER: The Chair recognizes the Representative from Norridgewock, Representative Dorney.

Representative **DORNEY**: Thank you, Mr. Speaker. I'm sorry for speaking again, but I was reading through all the different amendments and I was very confused, and actually I will be supporting this amendment. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "B" (H-444) to Committee Amendment "A" (H-393). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 276

YEA - Ayotte, Beavers, Beck, Bennett, Berry, Black, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chapman, Chase, Chenette, Clark, Cooper, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, DeChant, Devin, Dickerson, Dill, Doak, Dorney, Dunphy, Duprey, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jackson, Johnson D, Johnson P, Jorgensen, Kaenrath, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby A, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke, Noon, Parry, Pease, Peavey Haskell, Peoples, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Saxton, Schneck, Shaw, Short, Sirocki, Stanley, Stuckey, Theriault, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Verow, Villa, Volk, Wallace, Weaver, Welsh, Werts, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Boland, Chipman, Jones, Kent.

ABSENT - Beaudoin, Beaulieu, Dion, MacDonald S, Nutting, Peterson.

Yes, 141; No, 4; Absent, 6; Excused, 0.

141 having voted in the affirmative and 4 voted in the negative, with 6 being absent, and accordingly **House Amendment "B" (H-444)** to **Committee Amendment "A" (H-393)** was **ADOPTED**.

Subsequently, **Committee Amendment "A" (H-393) as Amended by House Amendment "B" (H-444)** thereto was **ADOPTED**.

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

Subsequently, under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-393) as Amended by House Amendment "B" (H-444)** thereto and sent for concurrence.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Dill, who wishes to address the House on the record.

Representative **DILL**: If I had been present for Roll Call No. 269 on LD 1128, I would have voted yea. Thank you.

The House recessed until 2:00 p.m.

(After Recess)

The House was called to order by the Speaker.

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (12) **Ought Not to Pass** - Minority (1) **Ought to Pass as Amended by Committee Amendment "A" (H-362)** - Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Eliminate Funding To Reduce Deer Predation"

(H.P. 684) (L.D. 970)

TABLED - June 7, 2013 (Till Later Today) by Representative SHAW of Standish.

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

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Kusiak.

Representative **KUSIAK**: Mr. Speaker, I rise to urge us to oppose the measure, to oppose that and run the Minority Report.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Shaw.

Representative **SHAW**: Thank you very much, Mr. Speaker. Mr. Speaker, Men and Women of the House. I strongly urge you to accept the Majority Ought Not to Pass. I'd like to read the material that was presented to us from the department. It says, in 2011, the 125th Maine Legislature passed LD 1596, which became law in Chapter 381, creating the Predator Control and Deer Habitat Fund. The fund gives members of the public an opportunity to donate funds for predator control and to enhance deer habitat in Section 7 of the same statute. The Legislature directed the department, in conjunction with the Department of Agriculture, Conservation and Forestry, to develop and implement a plan for all state owned lands to control predation on deer as well as plan to protect, manage and enhance deer wintering areas. Basically, the fund that is created under that section of law, it can contribute to on a voluntary basis, and it's used not only for predator control but also enhancement to deer wintering yards. For instance, they may buy an easement with the money that's in that fund. It also goes to conservation groups which may decide to plant, you know, fields of clover for deer to eat, so it's not all about predator control. The funding has enabled the department to put in place a focus program designed to address the issue of coyote predation on deer wintering areas in northern, eastern and western Maine, where severe winters and coyote predation have caused the deer herd to decline drastically. It's very targeted and the money goes for conservation, so I would strongly urge the body to accept the Majority Ought Not to Pass Report. Thank you very much, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Dickerson.

Representative **DICKERSON**: Thank you very much, Mr. Speaker. This bill was brought to me by a group that would like the House of Representatives to know a little bit more about this than we might currently know, and once I began to learn about this issue, I felt that there was merit in investigating and discussing how this issue was being handled. It is entirely true that the money, there was an appropriation created of $100,000 for a deer predation program and then there is also additional monies that comes out of the little box that you check off when you get your licenses, that you can designate to go to the different funds to help with deer predation and deer restoration programs. The one problem with this program is that a component of it involves kind of, it's not really a bounty program, but what it is you get reimbursed for expenses to go and hunt coyote, and the way it works out is that it's costing the Maine taxpayer about $240 a coyote for this particular component of the program. The other problem with this is that some issues have arisen in that the individuals who are participating in this program have, well, unfortunately, some lynx have managed to get killed as a result of this that were outside of these deer yard areas. The lynx, as you know, being an endangered species and so it calls into question whether or not the program is infected, in terms of staying in the area and actually targeting the correct species. The other issue with this that was brought is the issue of the finances got a little murky and so what the good Representative from Fairfield offered in her Minority Report was, okay, well, let's not talk about the money but instead let's talk about how we can use…

The SPEAKER: Would the Representative defer? The Chair recognizes the Representative from Standish, Representative Shaw, and inquires as to why the Representative rises.

Representative **SHAW**: Thank you very much, Mr. Speaker. We're talking about the Minority Report at this point. I believe it's the Majority Report that we're talking about.

The SPEAKER: The Chair would remind the Representative that the report that has currently been moved is the Majority Ought Not to Pass Report. The Representative may proceed.

Representative **DICKERSON**: Thank you, Mr. Speaker, and thank you, to the good Representative. The problem with the Majority Report was that it does not address actual management techniques of how to deal with coyote and deer living together that actually are effective. For example, when you hunt coyote, one of the things that can happen is that the females instantly start producing more kits, so they have this evolutionarily developed tendency that the more of their group that is being hunted off, the more they develop. So it's not really clear science why it's whether hunting them in order to manage them is actually working. So the problem I have with the Majority Report after reviewing these items with scientists that came and spoke with me was that I was not really convinced that the way that the program is being used to manage deer predation, as recommended by the Majority Report, is actually effective and actually working. Really, what it came down to was simply asking, you know, could you please do some more science on this so that we can really support this Majority Report, because right now, we can't support it because the science isn't there to prove that it's actually working. Mr. Speaker, I would request a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

The SPEAKER: The Chair recognizes the Representative from Freedom, Representative Jones.

Representative **JONES**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. From 1985 to 2013, we've had 39 coyote bills introduced before this Legislature and for 17 years the coyote program cost Maine an average of about $40,000 a year. This would reaffirm a $100,000 per year appropriation that was placed in the last biennium. In 1999, the Inland Fisheries and Wildlife's Coyote Assessment Report warned of the futility of an expensive coyote control program, and I quote directly from the 1999 IF and W report. "Large numbers of coyotes can be taken annually from an area without realizing a

long-term reduction in their population size (Coyotes can withstand annual reductions of 70 percent). A long-term reduction of coyote numbers is probably not attainable." I refer also to the comments of retired biologist Henry Hilton who oversaw IF and W's coyote control program for 20 years. He states, and I quote again, "The deer herd cannot be increased by killing coyotes. Females double their litter size to compensate for deaths of neighboring coyotes. Despite a 25-year effort to reduce coyotes through snaring and trapping, Maine's coyote population of 13,000 has remained [roughly] unchanged since 1985." Mr. Speaker, I urge a red light on this motion.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Shaw.

Representative **SHAW**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. While I don't doubt the science about the coyotes, this is a very targeted program and it simply, when there is a report of problem coyotes near a deer wintering yard, especially in the north, east and western parts of the state, is when they send out a control agent. So these agents have to be licensed with the state and they would be sent out at the direction of the commissioner to control very specific coyotes that are targeting deer wintering areas. These wintering areas are critical for the herd to survive in these areas, especially in the northern, eastern and western. In regards to the $100,000, it does not come from your tax dollars. This comes from your hunting and fishing license money anyway. So even if we were to pass this bill, all you're doing is taking away the $100,000 allocation, but not the program. As far as lynx, we heard something about lynx being caught. They weren't caught by the control agents that were sent to the deer wintering yards to protect the deer herd. There had been two lynx taken incidentally from trapping which were actually released. So just remember that it's very targeted and the fund doesn't just fund the predation control. It funds a whole variety of things, such as protecting the deer wintering yards, money for planting different crops for deer and other such uses. I would strongly urge you to follow my light and accept the Majority Ought Not to Pass on this bill. Thank you very much, Mr. Speaker.

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

Representative **DAVIS**: Thank you very much, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I agree fully with my good friend, the Representative from Standish, Representative Shaw. This program is something the department has been doing for quite a while. They target different areas and as he said, they do plant feed and that type of thing, and I guess, Mr. Speaker, the proof is in the pudding. I live in the middle of deer country and there is a lot more deer today than there was three of four years ago. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Kusiak.

Representative **KUSIAK**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. I rise to urge you to reject the Majority Report and follow the Minority Report. It's very difficult to talk about the Minority Report when the Majority Report was moved; however, if you reject this measure before us, we will be able to keep the money that is in the Deer Management Fund and use it exclusively for deer habitat enhancement. The one piece of unsolicited advice I received in December shortly after I announced to people at a holiday party that I'd been appointed to the Committee on Inland Fisheries and Wildlife was, after about 20 minutes, a wildlife biologist who was at the party looked at me and said, "Whatever you do, don't spend state money on killing coyotes. It's a worthless proposition." So I encourage, again, a red light on this so that we can move the Minority Report that does maintain the funding for deer habitat enhancement. Thank you.

The SPEAKER: The Chair recognizes the Representative from Pittsfield, Representative Short.

Representative **SHORT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. If nothing else, over the last two or three weeks, I've heard a number of members in this House complain about committees pushing 1-12 votes on Minority Reports. Certainly, we have something to be proud of here. We're going with a Majority Report as a result of many hours of hearings on this subject and people testifying against this bill, and I would recommend that the rest of this House support us with our Ought Not to Pass. Thank you.

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. 277

YEA - Ayotte, Bennett, Berry, Black, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chase, Chenette, Clark, Cooper, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, DeChant, Devin, Dill, Dion, Doak, Dorney, Dunphy, Duprey, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Harvell, Hayes, Herbig, Hobbins, Hubbell, Jackson, Johnson D, Johnson P, Jorgensen, Keschl, Kinney, Knight, Kornfield, Lajoie, Libby A, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Nadeau A, Nadeau C, Newendyke, Noon, Nutting, Parry, Pease, Peavey Haskell, Peoples, Plante, Pouliot, Powers, Priest, Rankin, Reed, Rochelo, Rotundo, Russell, Sanderson, Saucier, Saxton, Schneck, Shaw, Short, Sirocki, Stanley, Theriault, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Verow, Villa, Volk, Wallace, Weaver, Werts, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Beavers, Beck, Boland, Chapman, Chipman, Dickerson, Gideon, Hamann, Harlow, Hickman, Jones, Kaenrath, Kent, Kruger, Kumiega, Kusiak, Morrison, Nelson, Pringle, Rykerson, Sanborn, Stuckey, Welsh.

ABSENT - Beaudoin, Beaulieu, MacDonald S, Peterson.

Yes, 124; No, 23; Absent, 4; Excused, 0.

124 having voted in the affirmative and 23 voted in the negative, with 4 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Bill "An Act To Establish Ranked-choice Voting in the State"
(S.P. 208) (L.D. 518)

Representative RUSSELL of Portland moved that the House **RECONSIDER** its action whereby the Majority **Ought Not to Pass** Report was **ACCEPTED**.

Representative FREDETTE of Newport moved that the Bill be **TABLED** until later in today's session pending the motion of Representative RUSSELL of Portland to **RECONSIDER** whereby the Majority **Ought Not to Pass** Report was **ACCEPTED**.

Representative RUSSELL of Portland **REQUESTED** a roll call on the motion to **TABLE** until later in today's session pending her motion to **RECONSIDER** whereby the Majority **Ought Not to Pass** Report was **ACCEPTED**.

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 Freedom, Representative Jones.

Representative **JONES**: Thank you, Mr. Speaker. This is a roll call, correct me if I am wrong, on the Tabling motion?

The SPEAKER: The Chair would answer in the affirmative. A roll call has been ordered. The pending question before the House is to Table until later in today's session pending the motion of Representative Russell, of Portland, to Reconsider whereby the Majority Ought Not to Pass Report was Accepted. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 278

YEA - Ayotte, Bennett, Black, Bolduc, Campbell R, Casavant, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harlow, Harvell, Hayes, Jackson, Johnson D, Johnson P, Keschl, Kinney, Knight, Libby A, Lockman, Long, Maker, Malaby, Marean, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Reed, Rykerson, Sanderson, Sirocki, Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

NAY - Beavers, Beck, Berry, Boland, Briggs, Brooks, Campbell J, Carey, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Werts, Mr. Speaker.

ABSENT - Beaudoin, Beaulieu, MacDonald S, Peterson.

Yes, 60; No, 87; Absent, 4; Excused, 0.

60 having voted in the affirmative and 87 voted in the negative, with 4 being absent, and accordingly the motion to **TABLE** until later in today's session pending the motion of Representative RUSSELL of Portland to **RECONSIDER** whereby the Majority **Ought Not to Pass** Report was **ACCEPTED FAILED**.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **RECONSIDER** whereby the Majority **Ought Not to Pass** Report was **ACCEPTED**.

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 to Reconsider whereby the Majority Ought Not to Pass Report was Accepted. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 279

YEA - Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Morrison, Nadeau C, Nelson, Noon, Peoples, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Werts, Mr. Speaker.

NAY - Ayotte, Bennett, Black, Campbell R, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, Jackson, Johnson D, Johnson P, Keschl, Kinney, Knight, Libby A, Lockman, Long, Maker, Malaby, Marean, McClellan, McElwee, Moriarty, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Pouliot, Reed, Sanderson, Sirocki, Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Beaudoin, Beaulieu, MacDonald S, Peterson.

Yes, 90; No, 57; Absent, 4; Excused, 0.

90 having voted in the affirmative and 57 voted in the negative, with 4 being absent, and accordingly the House **RECONSIDERED** its action whereby the Majority **Ought Not to Pass** Report was **ACCEPTED**.

Subsequently, Representative RUSSELL of Portland **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I apologize for bringing this back up again. I had a junior moment and was out of the room for three minutes and missed my opportunity to speak, and I do want a roll call on this and I do wish to speak. This is an issue that I have been working on for many, many years and there are a lot of folks across the state who would like an opportunity to ensure that future gubernatorial candidates and future legislative candidates, for both the House and the Senate, have an opportunity to be elected by a majority of the people. Currently, we have a system where if there is a three-way race or a four-way race or, in some cases, a five-way race, or in Portland, I think, there was a 15-way race, the candidate that wins tends to be elected with a plurality and may be elected with less than a majority vote. I think that as we move further down the political process, we're going to find that Maine's spirit of independence…

The SPEAKER: Will the Representative defer? The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Mr. Speaker, I would inquire if the speaker was not in the room at the time this was voted on, I am inquiring as to whether or not or how she could have voted on the prevailing side on this.

The SPEAKER: The Chair will answer, because it was under the hammer, it's unanimous consent of all members.

Representative **RUSSELL**: May I continue, Mr. Speaker?

The SPEAKER: The Representative will defer. Would the Minority Leader please approach the well of the House?

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

Representative **RUSSELL**: Mr. Speaker, first may I apologize to the House, and second, may I request unanimous consent to withdraw my motion?

Subsequently, Representative RUSSELL of Portland **WITHDREW** her **REQUEST** for a roll call.

Subsequently, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (12) **Ought to Pass as Amended by Committee Amendment "A" (H-414)** - Minority (1) **Ought to Pass as Amended by Committee Amendment "B" (H-415)** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Increase Transparency and Improve Equity in Appeals to Superintendents' Agreements"

(H.P. 542) (L.D. 791)

TABLED - June 10, 2013 (Till Later Today) by Representative BERRY of Bowdoinham.

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

Representative FREDETTE of Newport **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: 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.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Fredette, and requests for what purpose the Representative rises.

Representative **FREDETTE**: I apologize, Mr. Speaker, but I believe that the screen hasn't sort of kept up and so I believe we've been talking about 6-6 and then it says "Unfinished Business-17." I am sort of confused. I think some members of my caucus are confused. So if we could have some clarification on which issue we're on, I think we'd appreciate that.

The SPEAKER: We are on Unfinished Business Item-17. It's LD 791. A roll call has been ordered to Accept the Majority Ought to Pass as Amended Report. That's what the roll call is on.

ROLL CALL NO. 280

YEA - Ayotte, Beavers, Beck, Bennett, Berry, Black, Boland, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Clark, Cooper, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, DeChant, Devin, Dickerson, Dill, Dion, Doak, Dorney, Dunphy, Duprey, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jackson, Johnson D, Johnson P, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby A, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke, Noon, Nutting, Parry, Pease, Peavey Haskell, Peoples, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Saxton, Schneck, Shaw, Short, Sirocki, Stanley, Stuckey, Theriault, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Verow, Villa, Volk, Wallace, Weaver, Welsh, Werts, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - NONE.

ABSENT - Beaudoin, Beaulieu, MacDonald S, Peterson.

Yes, 147; No, 0; Absent, 4; Excused, 0.

147 having voted in the affirmative and 0 voted in the negative, with 4 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-414)** 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-414)** and sent for concurrence.

Bill "An Act To Inform Persons of the Options for the Treatment of Lyme Disease"

(H.P. 416) (L.D. 597)

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-184)**.

TABLED - June 6, 2013 (Till Later Today) by Representative FREDETTE of Newport.

PENDING - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-184) AS AMENDED BY HOUSE AMENDMENT "B" (H-378)** thereto.

On motion of Representative CAREY of Lewiston, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **House Amendment "B" (H-378)** to **Committee Amendment "A" (H-184)** was **ADOPTED**.

Subsequently, on further motion of the same Representative, **House Amendment "B" (H-378)** to **Committee Amendment "A" (H-184)** was **INDEFINITELY POSTPONED**.

Representative BRIGGS of Mexico **PRESENTED House Amendment "C" (H-453)** to **Committee Amendment "A" (H-184)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Briggs.

Representative **BRIGGS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'd just like to read to you what this amendment does so everybody is on the same page for understanding. What this does is every health care provider that orders a laboratory test for the presence of Lyme disease shall provide the patient with a copy of the results of the test. That's it. The doctor is just going to provide the patient with a copy of the results of the test. The intent is to keep the conversation going between the patient and the doctor. At least by the patient receiving the lab work, it may draw further conversations. Also by doing this, more questions may be asked. There are many times patients do not receive a copy of their lab report, so with no opportunity to ask questions going forward and sometimes they just walk away and may do other research for treatment, but if, in fact, they do have Lyme disease, they just walk away and eight years later it comes back and they are still dealing with that debilitative disease. In this way, the intent is just to draw the conversation going forward. I've spoken with a few pathologists yesterday as far as lab work and when people are tested for Lyme disease, and it's common that the pathologist will include in their report if the test is negative or positive, an explanation of why and other suggestions. I have a lab report here in my presence, as well, if anybody would like to look at it after. I do have permission from the patient to discuss this. It was very, very helpful for me to see this going forward because at least it helps with educating the patient as well, so this will hopefully create that dialogue between the doctor and patient as

sometimes the patients do not get a copy of the medical report, so hopefully this may initiate that transaction.

Another item on the amendment is to put on the CDC website the same type of information in that it reads "A negative result for a Lyme disease test does not necessarily mean that Lyme disease is not present, and if symptoms continue, the patient should contact a health care provider and inquire about the appropriateness of retesting or additional treatment." Again, when the general public is doing research for issues that they may have and may consider, if they do have Lyme disease or question it, they go to the CDC website, this statement will be there as well, just for educational purposes to help them going forward to maybe not to let the issue go if they still have problems, to be persistent. I felt that that was very important as well. The last item that will be on the CDC website is "Information on treatment alternatives for treating Lyme disease is available through Internet websites of organizations, including, but not limited to, MaineLyme, Lyme Disease Association, the Mayo Clinic, the National Institutes of Health and WebMD." In summary, this amendment requires a health care provider to give a patient a copy of the results of the Lyme disease test, requires the Maine CDC to include information on its website about negative test results, and expands the list of information resources that must be included on the website. Mr. Speaker, I would be remiss if I didn't thank the people who stood by my side through this entire process and never gave up. Thank you, and for the thousands who are and have been affected with Lyme disease, this is for you. Ladies and Gentlemen of the House, I would truly appreciate your support and hope you'll follow my light. Thank you.

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

Representative **CAREY**: Mr. Speaker, I want to thank the Representative from Mexico for her work on this bill and look forward to supporting her and ask others to follow my light.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Mr. Speaker, I also want to thank her very much and glad things worked out for her.

The SPEAKER: The Chair recognizes the Representative from Norridgewock, Representative Dorney.

Representative **DORNEY**: Thank you, Mr. Speaker. I really appreciate all the work that the Representative from Mexico has done on this bill. Unfortunately, there is no other lab test that we are, as doctors, required to give copies of the results, and I actually think that's not a good idea. Thank you.

Subsequently, **House Amendment "C" (H-453)** to **Committee Amendment "A" (H-184)** was **ADOPTED**.

Committee Amendment "A" (H-184) as Amended by House Amendment "C" (H-453) thereto was **ADOPTED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-184) as Amended by House Amendment "C" (H-453)** thereto in **NON-CONCURRENCE** and sent for concurrence.

SENATE PAPERS

The following Joint Resolution: (S.P. 603)

JOINT RESOLUTION RECOGNIZING SUMMER ARTS FESTIVALS IN MAINE AND THEIR CONTRIBUTIONS TO OUR COMMUNITIES AND ECONOMY

WHEREAS, summer arts festivals in the State serve as centers of creativity and craftsmanship, inspiration and enrichment; and

WHEREAS, summer arts festivals attract residents and nonresidents alike to participate in Maine's creative economy, helping towns and communities throughout the State; and

WHEREAS, summer arts festivals promote arts and crafts and a sense of community as they also entertain and educate; and

WHEREAS, the arts are a universal language transcending borders and conflicts and informing individual and collective identities; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the First Regular Session, on behalf of the people we represent, recognize Maine summer arts festivals; and be it further

RESOLVED: That we extend our appreciation to those who organize, perform in, participate in and sustain these festivals and recognize the contributions they make toward enriching our communities and supporting our local economies.

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

READ and **ADOPTED** in concurrence.

REPORTS OF COMMITTEE

Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act To Reduce Obesity among Schoolchildren"

(S.P. 397) (L.D. 1160)

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

That the Senate **Recede from Passage to be Engrossed as Amended** by Committee Amendment "A" (S-81) **as Amended** by Senate Amendment "A" (S-121), thereto. **Recede from Adoption** of Committee Amendment "A" (S-81) **as Amended** by Senate Amendment "A" (S-121), thereto and **Indefinitely Postpone** same. **Read** and **Adopt** Committee of Conference Amendment "A" (S-255). **Pass** to be **Engrossed as Amended** by Committee of Conference Amendment "A" (S-255) in **Non-Concurrence.**

That the House **Recede** and **Concur**.

Signed:

Senators:

MILLETT of Cumberland
JOHNSON of Lincoln
SAVIELLO of Franklin

Representatives:

KUSIAK of Fairfield
PRINGLE of Windham
WILSON of Augusta

Came from the Senate with the Committee of Conference Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY CONFERENCE COMMITTEE AMENDMENT "A" (S-255)** in **NON-CONCURRENCE**.

READ.

Representative WILLETTE of Mapleton **REQUESTED** a roll call on **ACCEPTANCE** of the Committee of Conference 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 Committee of Conference Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 281

YEA - Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette,

Chipman, Cooper, Daughtry, Devin, Dickerson, Dion, Dorney, Evangelos, Farnsworth, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Herbig, Hickman, Hobbins, Hubbell, Jones, Kaenrath, Kent, Knight, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Maker, Marks, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Tyler, Verow, Villa, Welsh, Werts, Wilson, Mr. Speaker.

NAY - Ayotte, Bennett, Black, Campbell R, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, DeChant, Dill, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fowle, Fredette, Gifford, Gillway, Guerin, Harvell, Hayes, Jackson, Johnson D, Johnson P, Keschl, Kinney, Kornfield, Libby A, Lockman, Long, Malaby, Marean, Mason, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Reed, Sanderson, Sirocki, Timberlake, Turner, Volk, Wallace, Weaver, Willette, Winchenbach, Winsor, Wood.

ABSENT - Beaudoin, Beaulieu, Jorgensen, MacDonald S, Peterson.

Yes, 89; No, 57; Absent, 5; Excused, 0.

89 having voted in the affirmative and 57 voted in the negative, with 5 being absent, and accordingly the Committee of Conference Report was **ACCEPTED**.

Subsequently, the House voted to **RECEDE AND CONCUR**.

ENACTORS

Emergency Measure

An Act Regarding the Swans Island Lobster Fishing Zone

(H.P. 718) (L.D. 1020)
(C. "A" H-408)

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. 136 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 Support Maine Businesses by Authorizing Certain Brewing Partnerships

(S.P. 590) (L.D. 1548)
(C. "A" S-252)

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

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 270: Uniform Reporting System for Quality Data Sets, a Major Substantive Rule of the Maine Health Data Organization

(H.P. 613) (L.D. 886)
(C. "A" H-411)

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. 117 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 Implement the Recommendations of the Government Oversight Committee and the Office of Program Evaluation and Government Accountability Regarding Child Development Services

(H.P. 27) (L.D. 34)
(S. "A" S-238 to C. "A" H-380)

An Act To Allow a Person To Rent a Slaughterhouse for the Slaughtering and Processing of Poultry

(H.P. 196) (L.D. 259)
(C. "A" H-407)

An Act To Preserve and Protect Ancient Burial Grounds and Burial Grounds in Which Veterans Are Buried

(S.P. 107) (L.D. 274)
(C. "A" S-248)

An Act Concerning Postsecondary Tuition Waivers for Children of Veterans

(H.P. 469) (L.D. 677)
(C. "A" H-404)

An Act To Ensure Efficiency in the Unemployment Insurance System

(H.P. 482) (L.D. 690)
(C. "A" H-280)

An Act Regarding the Requirement That an Address Be Provided in Disclaimers on Political Radio Advertisements

(H.P. 646) (L.D. 922)
(C. "A" H-403)

An Act To Facilitate the Expansion of the State's Liquor Distribution System

(S.P. 318) (L.D. 941)
(C. "A" S-148)

An Act To Amend the Laws Governing Students Experiencing Education Disruption

(S.P. 378) (L.D. 1096)
(C. "A" S-243)

An Act To Amend the Laws Concerning Parental Rights in Child Abandonment Cases

(H.P. 786) (L.D. 1114)
(C. "A" H-409)

An Act To Promote the Production of Maine Beverages

(H.P. 793) (L.D. 1121)
(C. "A" H-397)

An Act To Establish the Fair Chance for Employment Act

(H.P. 822) (L.D. 1157)
(C. "A" H-402)

An Act To Maintain the Integrity of the Fund for a Healthy Maine

(S.P. 426) (L.D. 1232)
(C. "A" S-204)

An Act To Improve Professional Training for Licensed Mental Health Clinicians

(S.P. 432) (L.D. 1238)
(C. "A" S-254)

An Act To Create Child Advocacy Centers in Maine

(S.P. 468) (L.D. 1334)
(C. "A" S-216)

An Act To Amend the Labor Laws as They Relate to Payment for Required Medical Examinations

(S.P. 559) (L.D. 1498)
(C. "A" S-251)

An Act Concerning Liquor Licensing Laws for Holders of 2 Licenses

(S.P. 573) (L.D. 1518)
(C. "A" S-245)

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 Establish a Veteran-to-farmer Training Pilot Program

(H.P. 284) (L.D. 409)
(C. "A" H-413)

Resolve, Regarding Safer Workplaces for Home Care and Home Health Workers

(S.P. 166) (L.D. 434)
(C. "A" S-198)

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Property Located in Bangor, Boothbay Harbor and Hallowell

(H.P. 668) (L.D. 955)
(C. "A" H-412)

Resolve, Requiring Rulemaking Regarding Special Education Requirements and Review of School Administrative Units That Do Not Operate Any Schools

(H.P. 828) (L.D. 1184)
(C. "A" H-399)

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 Amend the Mandatory Shoreland Zoning Laws

(S.P. 555) (L.D. 1490)
(C. "A" S-211)

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

On motion of Representative WILLETTE of Mapleton, 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.

On motion of Representative FREDETTE of Newport, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned. (Roll Call Ordered)

An Act To Make Technical Changes to Maine's Marine Resources Laws and Elver Enforcement Mechanisms

(S.P. 588) (L.D. 1545)
(C. "A" S-247)

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

On motion of Representative DEVIN of Newcastle, was **SET ASIDE**.

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

CONSENT CALENDAR
First Day

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

(H.P. 1122) (L.D. 1554) Bill "An Act To Increase International Cross-border Partnerships To Benefit Maine's Economy" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(H.P. 696) (L.D. 982) Bill "An Act To Create a Gambling Offset To Enhance the Collection of Child Support" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-449)**

(H.P. 820) (L.D. 1155) Bill "An Act To Ensure the Integrity of Neuropsychological Testing Materials" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-442)**

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.

(H.P. 378) (L.D. 559) Bill "An Act To Change Document Filing Fees for County Registries of Deeds" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-445)**

On motion of Representative WILLETTE of Mapleton, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ**.

On further motion of the same Representative, **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned.

(H.P. 657) (L.D. 933) Bill "An Act To Establish a Separate Regulatory Board for Dental Hygienists" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-452)**

On motion of Representative BERRY of Bowdoinham, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ**.

On further motion of the same Representative, **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned.

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 (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-361)** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Enhance Self-defense by Removing Restrictions on the Carrying and Use of Weapons"

(H.P. 452) (L.D. 660)

TABLED - June 7, 2013 (Till Later Today) by Representative DION of Portland.

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

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

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

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative Libby.

Representative **LIBBY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. LD 660 is also more commonly referred to as constitutional carry or Vermont carry. Article I, Section 16 of our Maine Constitution clearly states the right to keep and bear arms shall never be questioned. LD 660 will not enhance or enlarge it or increase a person's chance of possessing a firearm. Truly, this has nothing to do with who carries but how it's carried. I can walk down the streets of Portland with a 9 mm on my hip and I'm perfectly a law-abiding citizen; however, as soon as my jacket now covers that handgun, I am now a criminal because I have concealed that weapon. Outside the jacket, law-abiding. Under the jacket, now breaking the law. Common sense should prevail. The other part of common sense is we think about, Mr. Speaker, if you purchased a piece of electronics from say Best Buy or Wal-Mart, you go to another store, chances are you probably put that in the trunk, underneath the seat, in a glove box, anything like that. With a weapon, with a firearm, that firearm has to be left in plain sight. I have to leave that, when I leave my vehicle, I have to put that weapon on my seat or on the dashboard. I leave the vehicle, now what? A criminal now comes by, sees that weapon in plain sight because I cannot put it in a glove box or put it in the trunk, now breaks into my vehicle and steals that weapon. Now that criminal has an easier access to that weapon. There is a fundamental flaw to our Maine concealed weapon permit process. The fact is that criminals do not obey laws. It's just a simple fact. The State Police questioned the effectiveness of our current permitting process. They have limited funds. Like most other programs and groups here in the State of Maine, we are working on limited funds. They've dealt with over 10,000 permits in recent years with about an average of 12, a dozen or so, that have actually failed, because these are not criminals who are applying for this permit. It's law-abiding citizens that apply for this permit.

I've been often asked why do I want to eliminate the Maine concealed weapon permit. Well, the first misnomer, LD 660 does not eliminate our permit process. It actually keeps it and I believe can actually strengthen our permit in the future. We need the permit for reciprocity so you can use it going across other states. In the past, there have been measures to increase or to strengthen our concealed weapon permit. Obviously, with the pushback, Article I, Section 16, with this, we're now not denying a person to conceal inside the State of Maine for a person who can actually lawfully possess that weapon, so now we can actually strengthen our concealed weapon permit. Some people that apply for this permit have to wait up to 150 days. Now, what do we say to a potential victim, whether it be domestic violence or a person protecting their family, but they have to wait 150 days. What's the question that goes through their head at this point? Do I wait 150 days and hope that the crime does not happen within that 150 days? Do I become a criminal myself? Do I stick that in my pocket? Does a lady with a domestic violence possibility stick that firearm in her pocketbook now become a criminal? What other stress are we going to put on these people in these situations now that they become a criminal or they choose to stay with the law and not protect themselves? It's a question, I think, that really needs to be raised here.

During the public hearing and I do want to first say that I thank the committee members on this one. This was a six-hour public hearing with zero opposition. Six hours of public testimony with zero opposition. I was told by some of the committee members that they received quite a few emails on the subject, so I do want to thank them for their indulgence on the situation, and the bill was definitely worked very diligently and I do want to respect and thank the committee members. This is current law. As I mentioned, Vermont carry, because Vermont kind of basically has always had this law. Also, Alaska has it, Arizona. Arkansas just passed it. It was just signed into law by the Chief Executive and will become law in July. It was signed in April. So by no means is this something, it sounds at first extreme. It's one of those Libby bills. It must be extreme, nullifying this or doing that, but really when it comes down to it, this is common sense. These are law-abiding citizens that we're demanding that we first either pay or wait 150 days in certain circumstances. If you cannot possess a firearm today, passing LD 60 will not change that fact. A few other states have partial, like the State of Montana has 99.4 percent constitutional carry. I don't really know what's going on with the other 0.6 percent. I guess a little less than that 1 percent thing. But moving forward, I really ask this body to think about this as a common sense legislation. This will not put guns in wrong people's hands. This is law-abiding citizens. It's our Article I, Section 16. I truly ask you to vote against the pending motion and support the bipartisan Committee Report of the Amended Ought to Pass. Thank you.

The SPEAKER: The Chair recognizes the Representative from Pittston, Representative Marks.

Representative **MARKS**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Do you really think criminals are going to get permits before they commit crimes? Only our decent law-abiding citizens have permits. The ones who paid for them and the ones who are waiting to receive them. I can tell you from experience that our concealed carry system is broken. Currently, they are useless. We will wait and address them another day. We still need them for the reciprocity with other states. During the hearing, not a single police officer or department bothered to show. The State Police, the Sheriffs or the Maine Chiefs did not show. I took that as the message that they did not care one way or another. Police already assume that everyone is armed. Vermont, Alaska, states similar to Maine have no problems and an equally low crime rate. I am all about public safety, and in good conscience, I believe that anyone who wants to carry to protect themselves should be able to do so. Please accept the Minority Report. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Morrill, Representative Pease.

Representative **PEASE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I ask the question, do you remember where you were on December 5, 2012? Do you? You were here taking your oath and the oath was to uphold the Constitution of the United States of America and of the State of Maine. We've already heard about Article I, Section 16. It's that simple. It's that simple. I won't go on long, 10 or 15 minutes like we hear a lot people here this morning, but I will just remind you December 5, 2012, you took an oath. Now, I will add one other thing. One of my first concerns when I heard this bill was about law enforcement. I've talked to law enforcement. I have two sons that are law enforcement and the one thing that they've all said is that "We are trained to approach everyone with caution. It makes no difference whether the person is concealed or not, that's the way we're trained." So it's not an issue of safety for law enforcement. Thank you.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Dickerson.

Representative **DICKERSON**: Thank you, Mr. Speaker. I just wanted to rise to share with you some concerns that were

shared with me by the police chief in the town that I live in, who is incredibly concerned about this bill and has asked me to share his concerns with you. He is very concerned, especially since in our community we had, as he says, after going through last year's bath salt epidemic in this area, I am very fearful of the consequences of allowing anyone to carry out of a concern about not knowing who is the good guy or the bad guy in the midst of a violent encounter. When police are called to a person with a gun call, they typically are responding to a situation about which they have few details other than one or more people are present at a location and are armed. Officers may have no idea that these people are simply exercising their rights. Consequently, the law enforcement response is one of hyper-vigilant urgency in order to protect the public from an armed threat. Should the gun-carrying person fail to comply with the law enforcement instruction or move in a way that could be construed as threatening, the police are forced to respond in kind for their own protection. It is appropriate for law enforcement officers and the public to treat these situations as extremely dangerous. Most people who claim they need to carry concealed or open state they need a gun for self-defense. Many members of the public at large view it, the carrying of any type of weapon, openly or as a concealed, as a threat to their wellbeing and public safety. With no provisions for training on who can carry or how they will carry, will only create further safety concerns of the general public. My chief is very concerned about this. There are other law enforcement individuals in my greater community, who are very concerned about this, so please do not think that law enforcement personnel are not concerned about this particular bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from York, Representative McGowan.

Representative **McGOWAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'd like to read to you from the letter to legislators from the Maine Chiefs of Police Association.

"Dear Members of the Maine Legislature:

"You will soon be asked to consider LD #660, An Act to Enhance Self-defense by Removing Restrictions on the Carrying and Use of Weapons. LD #660 will legalize the carrying of a concealed firearm without a permit. We believe that this bill sets a dangerous precedent for Maine and we are joining together to ask you to defeat it.

"By removing the permit requirement, this misguided legislation puts Maine citizens and law enforcement officers at risk. The permitting process is not an unreasonable burden on firearm owners. It allows local law enforcement to screen individuals of questionable moral character, those who commit shocking offenses such as; domestic violence and sexual assault, felons and the mentally ill and prevent them from carrying a concealed firearm with Maine's blessing."

Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Turner, Representative Timberlake.

Representative **TIMBERLAKE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I stand before you today asking you to not support the amendment that's on the board, to not support the Ought Not to Pass, to vote red, because this bill, LD 660, it's not about whether or not you've got a concealed weapon carry permit or not because you have one until you've done something wrong, until you become a criminal. My father asked me the other day "Why would you vote for that?" because he's been around for a long time, and I said, "Well, why wouldn't you?" Then he got to telling me about how when he's traveled around that he's been in states where they had this law, and he thought about it, and he said, "Well, I guess I agree with you." He said, "They don't seem to have a problem." I don't think we'll have a problem. I think it's good for the State of Maine to pass LD 660. I've talked to all the state troopers and the sheriffs in my district and department and every one of them said they support LD 660. So I will be supporting LD 660 and please join me. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lincoln, Representative Gifford.

Representative **GIFFORD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I don't often rise to speak on bills because I don't expect I'm going to change anybody's mind, but I had a few constituents approach me and ask me if I'd speak on this on the floor of the House, and that's what I'm going to do. I also got a letter from a Police Chiefs Association up north somewhere. They told me something I didn't know. Every police officer is trained, when he is trained, to suspect the people got a gun on them already, so he didn't really see a problem with this bill. One of the constituents that I am here to represent, beside myself, also like myself, has had guns since probably he was 6 or 7 years old. We're all law-abiding citizens. The crooks are going to have a gun anyway, so I don't see having a piece of paper in your pocket just makes more paperwork and creates more bureaucracy. When Adam Lanza was in Connecticut, those kids, you know, he didn't worry about having a piece of paper in his pocket. It's just another regulation I feel is unnecessary and I don't see any logical reason why we have to repeatedly petition the state to allow to carry a firearm, regardless of whether it's visible or not. Like Representative Libby said, what's the difference? I can carry on my hip, but the minute I put a jacket over it, it makes it illegal. So I'm going to be supporting the Ought to Pass. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It seems to me that the bills that have been coming along doesn't make anybody happy. I have a permit to carry in Maine and New Hampshire and we don't need one in Vermont, but everybody in this chamber wanted to know who has a permit to carry and who doesn't have a permit to carry. This way here, they don't have to worry about it because they want to know who's carrying it. When the good Representative Dickerson said that the police chief was really concerned about it and then I heard Representative Marks, who is a former state trooper, say that nobody showed up at the hearing, nobody, and spoke against this bill. Where were the police chiefs then? That's the time to come and testify, not to send a blue letter out the day we're going to vote on this thing and tell us not to vote for it. I hope you'll follow my light and support this bill. Thank you very much, Mr. Speaker.

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

Representative **DAVIS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House of Representatives. As most of you know, I spent nearly 25 years wearing the uniform of my state, the Maine State Police, and there was never a day that I wasn't proud of it and I know that Representative Marks feels the same way. It's an eternal brotherhood within police, also sisterhood, and he and I feel it quite often. During that 25 years, Mr. Speaker, I probably stopped 10,000 cars. I don't know, maybe more, maybe less. I investigated hundreds and hundreds of accidents. I arrested I couldn't tell you how many people for drunk driving and not one time did I deal with a concealed weapons permit, not once. Not one time did I get a list of people who had concealed weapons

permits. Now, the Maine State Police has four or five people out there working on this all the time, probably some of you have received calls from your constituents because the paperwork is gummed up and you needed to intercede and get it straightened out. I know I have. I think if this bill was passed, these people could go to work doing something else far more productive for the department. Mr. Speaker, I also note that there is a number of states, this isn't the first time I spoke on this bill. I put this bill in myself when I was a member of the other body a number of years ago. We didn't get anywhere where we are today with it, trust me, or we wouldn't be here. There is a number of states that don't require the permits. They seem to get along fine. The crime rates are low. Why do we need it here? I hope you'll follow my light. Thank you, Mr. Speaker.

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

Representative **TYLER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As a member of the Criminal Justice Committee, we all received a few emails as Representative Libby informed us. Mine was over 1,000. I kept count. Less than 10 were opposed to this measure. That's a pretty good track record. The other point I want to make is, as Representative Davis said, when the police approach a situation, how often do they go back to dispatch and say "Can you check and see if this guy has a concealed weapons permit?" No. They approach every situation as they're trained to look, they approach it as a dangerous situation and then find out if it's a good situation. They all respect that there is a going to be a weapon involved first, approach it carefully. This bill is not going to change anything. As Representative Libby said, all it's going to do is if it's under your coat, you're illegal. You bring your coat back around, you're legal. That's all. It's no big deal. We ought to get this passed. I urge you to not support this measure. Thank you.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Cooper.

Representative **COOPER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I, too, spoke to my police chief and although it's no doubt true that police are trained to be cautious at all times and to assume that a person in a car might be armed, he told me that his greatest fear was, that his greatest concern about concealed weapons was not knowing who had concealed guns, because the system that we have in place now provides no ready access to police as to who holds those permits. So even if you do have a permit, they are in the dark. These records are kept, for the most part, in each town hall or in the police chief's drawer or whatever, but there is no central repository. It's also been said that this won't make any difference, it's just a piece of paper. Well, it's not just a piece of paper. It's a piece of paper that attests to the fact that the holder of the permit has, in effect, passed a background check, has had training in the use of a firearm, and has passed the test, at least in the mind of the police chief or whoever in the town issuing the permit, that the person has good moral character. Often that term is used to deny permits where the police chief knows things about the character of the person that leads them to believe that this is not a safe person to have a concealed weapon. The idea that it's all the same, whether or not the gun is displayed or not, just flies in the face of reality. If people thought that anybody in the community could be walking around with a gun in their pocket, I believe that this would create a climate of fear, much greater than we want to live with. It doesn't improve safety. It just creates fear and that is why I will be voting with the Majority Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Oakland, Representative Nutting.

Representative **NUTTING**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I've done a lot of listening this session. I haven't done a lot of talking. I don't expect to start today. But I did want to rise and speak about this issue because of the blue letter that you received at your desks from the Maine Chiefs of Police Association. I rise to talk about that because that letter was signed by the Oakland Chief of Police Mike Tracy. I have known Mike Tracy and his family for probably two dozen years and when I saw the letter from Chief Tracy, let me back up and tell you that I am a life member of the National Rifle Association. I have been for 20 some odd years. So when I saw the letter from Chief Tracy, I called him up and he and I talked on the phone for 15 or 20 minutes about this piece of legislation. He doesn't support the legislation. At the end of our discussion, what I took away from that was that what harm could it be for somebody to have a concealed permit, to require them to go get some training to have it? So that's what I took away from the conversation. Then, in the course of the next two or three days, I began to realize that the Second Amendment is one of the Bill of Rights, and there are other Bills of Rights with other rights like the freedom of speech, the freedom of religion, and if we were to ask people who want to partake of their Second Amendment rights to own a firearm and require them to practice, why then doesn't it make sense, before we allow people to speak or people to pray, to show that they have a proficiency in it? As foolish as that sounds, I believe that's what we're doing here today, so although I don't know any person whose opinion I trust or value more than my own police chief who I've known for 25 years, today I encourage you to pass this bill because I don't believe it's fair to require somebody to practice, to partake in one of the Bill of Rights that is God granted to them, not granted to them by government. The Bill of Rights is not granted to them by government. The Bill of Rights is designed to limit government's involvement in your life, and so I urge you to reject the pending motion and vote Ought to Pass. Thank you, Mr. Speaker.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I am going to try rising again. Most people know how they are going to vote today. I don't think this debate is really going to change their vote, but I actually don't know how I'm going to vote today. I happen to be from a very liberal district, as most people know, but I happen to also be squarely in the middle of America on the issue of guns. In fact, Mr. Speaker, if I recall correctly, you've seen my capacity to shoot and may or may not have lost a drink on that occasion, and I also believe that the good Representative from Palmyra, Representative Cray, may have seen my capacity to aim a gun. I have to say that I'm really frustrated, on both sides of the aisle, on the gun debate. I think what we're trying to do is to balance public safety with the freedom from tyranny, that's really what I hear, and I think that's a really healthy discussion to have. I'm kind of opposed to the NSA spy program, myself, so I understand why people would want to make sure they have the right to protect their weapons. So I'm not standing to support either Committee Report, but I will say that the thing that I have the most restoration with and the hardest part about making this decision is that I don't actually believe that concealed weapons permits make us safer. I actually don't believe that non law-abiding citizens are going to be the ones that actually go get the permit. I think the fact of the matter is that people like me, whom I haven't gotten my concealed weapons permit yet, Mr. Speaker, but I was always planning to and I still intend to. The fact of the

matter is people like me are law-abiding citizens and we're the ones that are going to go get the permit. I'm a little concerned that if the people that don't get the permit, the people that don't want the permit, the people that are purchasing the guns in the black market, the people who are not registering the guns, the people that are not going through the background checks, those are the people, the criminal element, those are the people that we need to be worried about. Again, I apologize if I rise and people are concerned about which side of the fence I might sit on this issue, but that makes 151 of us. But I just rise to say that the gun issue debate is really frustrating because it's so polarized and for those of us in the middle, those of us that really care about protecting the right of people to own guns in their houses, but also balancing the responsibility of owning that gun, that the overall gun debate continues to be remarkably frustrating, but I give props to the good Representative from Waterboro who has been working on this. I have no idea how I'm going to vote, but I wanted to put on the record that this is a very difficult vote for some people and for someone who happens to be in a very liberal district, this also happens to be a very difficult vote because I don't necessarily believe that the Majority Report is going to make us any safer and I certainly don't believe that the Minority Report is going to make us any safer. Thank you, Mr. Speaker.

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

Representative **WILSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I get a sense that we're getting down in the queue now so that's a good thing. I rise right now in opposition to this motion, which I'm sure is no surprise to anybody. I wanted to just bring in some additional information that I don't believe I've heard today and I won't spend a whole lot of time. I had a bunch of notes, but most of them have been presented. One of the big issues for me in arriving at the decision that I made as a member of the committee was a six-month backlog to get a concealed handgun permit through the State Police currently. That's troubling for me because essentially what you're doing is, with that backlog existing, you're denying somebody the ability to protect themselves. It may be a woman who is in a bad situation or a man or any individual who has recognized the importance to protect themselves, and state law says that within 30 days we are supposed to grant them a permit; however, it does not appear that we are doing that with the current backlog. It's troubling for me that we would allow that backlog to exist, but furthermore not provide some type of mechanism for them to be able to protect themselves. The second point I will make is similar to what others have made and that's essentially that criminals don't really care. They don't care if they have a concealed handgun permit or not. I know that's been said today, but it's important for us to recognize that criminals already can't have a gun. They can't even own a gun. If you're a felon, you can't own a gun. If you are subject to a protection from abuse order, you likely can't have a gun. If you are on probation, you can't have a gun. Criminals cannot already own firearms, so essentially by restricting somebody's right to carry a firearm and requiring them to have a concealed handgun permit, that only applies to law-abiding citizens. I understand the concerns of many and I think that I have a tremendous amount of respect for everybody that's weighed in on this. I just wanted to share with the members of this body today how I arrived at the decision that I did. I would ask that you please consider this and hopefully you will consider opposing this motion. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Fort Kent, Representative Nadeau.

Representative **NADEAU**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. A short story. A couple of weeks ago on my farm, I had to go out to the woods for a while, do some work. I knew there is a few dangerous situations so I like to carry a firearm with me. Now, it was drizzling outside and imagine I didn't want to get the gun wet so I went to put it inside my pocket, and my wife looked at me and said, "Now, you're a criminal. You're breaking the law." So here I am on my property going out into the woods, carrying a firearm and just because of the drizzle I just didn't want to get it wet, and I think most people would feel the same way, but I couldn't because of the law that covers my farm and my own property. Secondly, I often like to have one in the vehicle, but I don't like to leave it in sight and I really don't feel that I need to get a little piece of paper to be able to put it out of sight in my vehicle. These are the things that we need to change. They are just common sense changes. I haven't been classified as a criminal, but I feel like, at times, the laws make us feel that way because of the imposition that they do. It was a funny feeling pretending to hide it for a bit out of the rain. I was getting into an ATV with no roof so I couldn't put it on the console and leave it there also. I am supportive of LD 660. As the dozens and dozens of emails that came to me also from my district, I am in full support of LD 660. Thank you.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative Plante.

Representative **PLANTE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Indeed, this was possibly the bill that we faced the most discussion on. It was either that or another bill brought forth dealing with ammunition feeding devices. Nevertheless, it needs to be made clear on this bill, if we are to pass it, we will not gain one extra bit of reciprocity, not one, because eliminating the concealed carry permit process works in the opposite direction of adding more reciprocity. States who have reciprocity agreements with us number the total of eight. We are looking at trying to expand this so that those who currently want to carry concealed in other states can do so, but with this legislation, we're not able to do that. We're actually going to make it harder for them and if we do pass it to have a concealed carry permit process still existing within our state wouldn't make a whole lot of sense. Why would we want to make sure, as a state, we had a program to make sure you could carry concealed, say, in Tennessee, in Texas, in Utah. It wouldn't matter. It wouldn't be the responsibility of the State of Maine, yet you would be living in the State of Maine being held in a position where we said, "Well, we don't want to have this process anymore, but we do want to make sure that you can carry concealed in other states." It really is a dichotomy of what we really are trying to achieve here. See, I don't own any guns. That's my personal choice. If you want to own them, that's absolutely fine. It's a constitutionally protected right that you have and you should be allowed to keep it, but there is some sense of safety and protection I'd like to have when I walk around and I don't know whether or not folks carry or don't carry, and the point of the concealed carry permit process we have had for 97 years has been to allow me the comfort to know that there was this extra step folks went to carry concealed. I will not argue that. That is an extra step and it is an even greater responsibility when you carry concealed because it adds another layer of what folks who don't know about you carrying concealed or not, whether or not they don't know. They will not have any idea and that's why I believe that the extra step we have with the concealed carry permit process currently works. The backlog, it's a shame. It's absolutely unacceptable. At the federal level, the President has addressed this in his proposed budget to put nearly $180 million

more into the ATF budget to deal with the issues that include background checks and making sure that the permits are going to be distributed faster and more efficiently. These are all part of the movements made on both sides of the aisle to address this so that we can make sure that we don't have this backlog between 100, 150, 180 days to get your permit. You shouldn't have to get that. The law says 30 and I stand with everyone in agreeing that that is what we should do. This is a bill that has certainly brought forth a lot of discussion, but I don't feel that it is the time to do it and it is in the minority around the country of how to make sure we gather more reciprocity with all the states. So I urge you to support the Ought Not to Pass motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Grant.

Representative **GRANT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. First of all, it kind of saddens me that we're going to spend the whole afternoon talking about keeping ourselves safe by carrying guns, but I will say this. I come from a Maine family, daughter of a police officer, a sister in law enforcement. Hunters with guns are not bothered by guns at all. The current system in not an infringement of anyone's right to carry or bear arms. What it does is it allows for a process where if you're going to carry that gun in a concealed manner, that someone has done the background check, that you have taken that gun safety course and it requires a real jump in credulity for me to believe that anyone in this chamber doesn't believe that there is a difference between an openly carried firearm and one that is concealed. If you're concealing it, I don't know you have it. That puts me at a disadvantage and makes me less safe, but if you want to have that permit and you want to carry that concealed weapon, at least I know now that you've gone through a process whereby I can feel good about that. You can carry and you can take it anywhere you want. I supported keeping those permits confidential because I felt that was important. I support, if you have a concealed weapons permit, you can take it in your car, to your place of work. You can take it in state parks. I'm pretty middle of the road when it comes to firearms, but I just can't go this far. We do need to work out the permit system so that it's more clear and more consistent, but I don't think that we need to abandon the whole process. I urge you, ladies and gentlemen, who haven't already made up your mind, to please accept the Majority Ought Not to Pass Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Sherman, Representative Long.

Representative **LONG**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I, too, received a lot of emails on this. I worked the bill with the committee. There are a number of things I've listened to here today. In the nearby Town of Houlton, which happens to be in Representative Fitzpatrick's area, I heard from their police chief. He was informed of all of these meetings taking place and once he reviewed the bill, he is in support of LD 660. As far as reciprocity with other states, if we pass this bill and go forward with our current permit process, we can make the changes we need in this that will actually improve on our concealed weapons permit. The State Police still have to do this. People from other states that want reciprocity with Maine, they still have to file for the permit through the State of Maine. Some of the things we heard, to have reciprocity with these other states, some of them vary on age, some depends on what our blue papering system is. We're working on these bills, but that's another matter altogether. But the first step, as far as I'm concerned, this is our right to carry. Let's pass this bill, we'll move onward and hopefully next year we'll correct the rest of the mistakes that need to be fixed in this system. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'm sorry to rise a second time. When they call it the Vermont bill, I'll tell you a story. I retired at 56 years old. I was very lucky. I was asked to come out of retirement and go to Vermont and train some supervisors from my friend, Chip Harris, who owns Upper Valley Press that prints Shaw's fliers and delivers them with his trailer trucks. I found myself on a Sunday night crossing over the Connecticut River with a loaded 38 gun with me. Early the next morning, I went to the barracks on Route 5 and a big trooper came out and said, "What can I do for you?" and I told him. He looked at me with a smile on his face and he said, "There is no gun laws in Vermont, so don't worry about it. If you're a felon, you've got problems." I'd like to say it was Sunday morning and I know that Sunday morning I was watching "Meet the Press" and Howard Dean was on as the guest of the great Tim Russert. Tim Russert looked Howard Dean in the eye and if you don't know who Howard Dean is, Howard Dean is an MD, he's a former Governor of Vermont, he's a former candidate for the presidency of the United States of America and he's a former chairman, nationwide, of the U.S. Democratic Party. Tim Russert looked him in the eye and said to him "Is that true that you have no gun laws?" He looked back at him and said, "That's correct and we intend to keep it that way." Follow my light and support this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from York, Representative McGowan.

Representative **McGOWAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I apologize for rising a second time, but I've been thinking here about the question that the good Representative from Waterboro asked. What difference does it make whether it's on your hip or under your coat? I would guarantee you that if you were responsible for the safety of children in a school, it would matter to you whether a person approaching that school had a gun on their hip or under their coat.

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

Representative **DION**: Mr. Speaker, I rise in support of the motion pending. As a former sheriff, I share much with my brother officers who sit in this chamber. But from time to time, it becomes apparent that we might have a difference of opinion. What I've learned in this gun debate, both here and the chamber of the committee, is how easily it is to fall into absolutes. Good citizens, criminals, as if they're that distinct. For many of you, it might be comfortable to think about them in two abject boxes, but those who have been in the field who have served, what we really fear is not the clean boxes, he's a criminal and he's not going to follow the rules. Of course, he's not and we know that. They are good citizens and they will follow the rules and thank God they do. I wish more would. It's those who live in between, in that gray area, where every good cop knows, if not today, surely tomorrow I'll have my opportunity with him or her. Those individuals do, in fact, see themselves in a different light and those individuals do, in fact, apply for a concealed weapons permit. Those individuals see that weapon as an extension of their ego and desire it more than the common citizen does. Theirs is not a concern of self-defense. Theirs is a concern that keeps a good police officer awake at night.

Is the concealed weapons permit process perfect? Absolutely not. The evidence is overwhelming that we have

great work ahead of us to fix it, but here's what I want you to think about this afternoon. Are we willing to trade that two, three, four or five percent of individuals that are rejected by the current process and give them a green light to do what they have not been able to do at this point because they are intimidated by the process? They do take the rejection and calculate it somehow as something they shouldn't do. They do get that message and we are alerted to the fact that they want to carry a weapon. It is a Second Amendment issue and I take my guidance from Justice Scalia, not the most liberal jurist by any means, who repeatedly tells us in his writings and his decisions that though it is a right, it is malleable. It can be shaped. It can recognize the needs of public safety. I paid strict attention during the committee process and I thought my effort was successful when many proponents of 660 approached me and they were not sure where I stood on the question. What I heard repeatedly was not the war cry to allow us to arm ourselves as a God given right, but a common refrain that the concealed weapons process did not meet their expectations as lawful legal citizens in quest of a lawful permit and a vetting by the police to carry that weapon. I share in their frustration and I sincerely believe our committee is on the right path, Mr. Speaker, to address those questions. It's ironic, as a sheriff, our history was one to bring peace to the community, to help it disarm, to let the guns go home and take them off the street so there could be a common piece in the public space that we all share. So today, I cannot do anything but vote for this measure to ensure that the police provide their professional safety and protection in the community. Thank you.

The SPEAKER: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I won't be long, but I did have to ask. I've been listening to the conversation here and I've heard quite a few people say that they would feel safer knowing that somebody had a permit. Well, number one, you're never going to know who has a permit. Number two, for those who do have a permit, you're never going to know they carry a firearm concealed because it's concealed. I've stood beside many in this chamber, outside the walls of this building and off this campus, and probably not one of you knew that I had a firearm concealed on my person. Not one of you because we don't advertise it. It's concealed for a reason. Having a permit or being able to carry concealed constitutionally without a permit makes us no more dangerous either way. It makes us no less safe either way. It's the criminals who will not have a permit, who any one of us could potentially run up against that we have to worry about. There was also another question and I would like to pose a question through the Chair regarding it. We had one gentleman, I believe it was the good Representative Devin, who said – and if I'm in error please excuse me – but who was saying that concealed or unconcealed, when he sees somebody walking into a school building, he wants to know if they have it or not. Now, it's my understanding that this bill, it's already schools are already safe zones, our courts are already safe zones. It's illegal to carry even with a permit on these grounds. I would like to pose a question through the Chair for anybody who could answer. This bill, does it or does it not remove that provision? Thank you.

The SPEAKER: The Representative from Chelsea, Representative Sanderson, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Sherman, Representative Long.

Representative **LONG**: It does not remove that, just to answer the question.

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. 282

YEA - Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Carey, Casavant, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Dickerson, Dion, Dorney, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Herbig, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Mason, Mastraccio, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saxton, Schneck, Stuckey, Theriault, Tipping-Spitz, Treat, Volk, Welsh, Mr. Speaker.

NAY - Ayotte, Bennett, Black, Campbell J, Campbell R, Cassidy, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Devin, Dill, Doak, Dunphy, Duprey, Espling, Evangelos, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, Hayes, Hickman, Hobbins, Jackson, Johnson D, Johnson P, Keschl, Kinney, Knight, Libby A, Lockman, Long, Maker, Malaby, Marean, Marks, McCabe, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Peoples, Pouliot, Reed, Sanderson, Saucier, Shaw, Short, Sirocki, Stanley, Timberlake, Turner, Tyler, Verow, Villa, Wallace, Weaver, Werts, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Beaudoin, Beaulieu, MacDonald S, Peterson.

Yes, 74; No, 73; Absent, 4; Excused, 0.

74 having voted in the affirmative and 73 voted in the negative, with 4 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

An Act To Protect Maine's Loons by Banning Lead Sinkers and Jigs

(S.P. 268) (L.D. 730)
(C. "A" S-231)

TABLED - June 10, 2013 (Till Later Today) by Representative FREDETTE of Newport.

PENDING - **PASSAGE TO BE ENACTED**.

Representative FREDETTE of Newport **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 Standish, Representative Shaw.

Representative **SHAW**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Our committee worked pretty hard on this bill. It is a compromise. The compromise was actually offered by the Bass Federation who generally would use these types of instruments for fishing. We do ask that you support the pending motion. Thank you very much.

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. 283

YEA - Ayotte, Beavers, Beck, Berry, Black, Boland, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Clark, Cooper, Cotta, Cray, Crockett, Daughtry, Davis, DeChant, Devin, Dickerson, Dill, Dion, Doak, Dorney, Dunphy, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gideon, Gifford, Gilbert,

Goode, Graham, Grant, Guerin, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hobbins, Hubbell, Johnson P, Jones, Jorgensen, Kaenrath, Kent, Keschl, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Lockman, Longstaff, Luchini, MacDonald W, Maker, Malaby, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Newendyke, Noon, Parry, Peavey Haskell, Plante, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Sirocki, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Turner, Verow, Villa, Volk, Wallace, Weaver, Welsh, Werts, Willette, Winchenbach, Winsor, Mr. Speaker.

NAY - Bennett, Campbell R, Crafts, Duprey, Gillway, Jackson, Johnson D, Kinney, Libby A, Long, Marean, Nadeau A, Pease, Pouliot, Sanderson, Timberlake, Tyler, Wilson, Wood.

ABSENT - Beaudoin, Beaulieu, Gattine, MacDonald S, Nutting, Peoples, Peterson.

Yes, 125; No, 19; Absent, 7; Excused, 0.

125 having voted in the affirmative and 19 voted in the negative, with 7 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**.

An Act To Authorize the Public Advocate To Mediate Disputes Related to Rates for Sewer Service

(H.P. 959) (L.D. 1342)
(C. "A" H-352)

TABLED - June 10, 2013 (Till Later Today) by Representative FREDETTE of Newport.

PENDING - **PASSAGE TO BE ENACTED**.

Subsequently, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Ensure Safe School Grounds"

(H.P. 675) (L.D. 961)

Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-285)** in the House on June 3, 2013.

Came from the Senate with the Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Resolve, Directing the Department of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the Proposal To License Certain Mechanical Trades

(H.P. 763) (L.D. 1070)

Minority (5) **OUGHT TO PASS** Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED** in the House on June 10, 2013.

Came from the Senate with the Majority (8) **OUGHT NOT TO PASS** Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT READ** and **ACCEPTED** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Amend the Charter of the Alfred Water District" (EMERGENCY)

(S.P. 601) (L.D. 1562)

READ TWICE under suspension of the rules without reference to a committee and **PASSED TO BE ENGROSSED** in the House on June 10, 2013.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Bill was **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** in **NON-CONCURRENCE**.

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

CONSENT CALENDAR

First Day

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

(S.P. 595) (L.D. 1553) Bill "An Act To Maintain Competition among Electricity Suppliers Serving Northern Maine" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass**

(H.P. 176) (L.D. 215) Bill "An Act To Protect Landlords When Tenants Fail To Pay Utility Bills" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-457)**

(H.P. 967) (L.D. 1349) Bill "An Act To Change the Process for Approval of Charter Schools" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-454)**

(H.P. 1032) (L.D. 1438) Bill "An Act To Implement Certain Recommendations of the Criminal Law Advisory Commission Relative to the Maine Bail Code, Statutory Post-conviction Review, the Maine Criminal Code and a Related Statute" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-456)**

(H.P. 1090) (L.D. 1517) Bill "An Act To Amend the Laws Governing Decision-making Authority Regarding Energy Infrastructure Corridors" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-459)**

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

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

An Act To Amend the Laws Governing Prosecution of Individuals Possessing a Controlled Substance under Certain Circumstances

(H.P. 735) (L.D. 1044)
(C. "A" H-205)

Which was **TABLED** by Representative BERRY of Bowdoinham pending **RECONSIDERATION**.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This particular issue before the body now comes before us as a veto from the Chief Executive and in reading the Chief Executive's veto letter, he does highlight a number of points which I do believe are important to the body here. As an attorney I can speak to the issue in regards to criminal law, the issue of prosecutorial discretion is an important one and what that means is, as a prosecutor, you may have five cases that come in before you and you may approve all five of them or all three, but essentially based on the facts and the law at any given case you have to make a judgment, our district attorneys and our elected officials. That means that if we are unhappy with the jobs that our district attorneys are doing, then we can vote them out of office and so I agree with the Chief Executive here in the sense that I believe there can be issues where the prosecutor can look at these issues and make decisions in a way that is reasonable. The larger issue here is recognition of the fact that we do have an ongoing drug problem, not only here in Maine but regionally and nationally. I do believe that it's something that we can do in a reasonable way. We can trust and rely upon our prosecutors. I think we can trust and rely upon the process of being able to elect or not elect a certain individual to that office, if we don't believe that they are doing a decent job, so I will be voting to sustain the Chief Executive's veto. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Norridgewock, Representative Dorney.

Representative **DORNEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want to explain what this bill is. This is a bill to help prevent overdose deaths from drug addiction issues. We have more deaths in the State of Maine at the moment from drug overdoses than from motor vehicle accidents. I've had two patients whose children have died from narcotic overdoses in the last few years and it is very devastating. I also have had a couple of patients who almost died from drug overdoses. The problem that happens when you have a drug overdose, especially if it's a narcotic overdose or benzodiazepines, is you stop breathing. If someone is with them when they overdose and they call 911 and stay with the person, they are much more likely to survive than if they abandon the person, which is what is happening a lot in our state. This bill basically does some very limited protection for people who stay with a drug overdose person until help arrives to help prevent overdose deaths, and I hope you will vote to continue this and override the veto. Thank you.

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

Representative **DION**: Mr. Speaker, I'd just like to remind the members of the House that it's an issue that was voted out of committee unanimously. We looked at these issues. I recently commented that the second floor had some legitimate concerns about this bill at the onset, but I think the committee well addressed those and struck the right balance. In response to my good friend from Newport, this morning I was representing a criminal defendant and the prosecutor said, "Oh, between us, let's agree to this." I said, "Between us, I do agree, but let's put it in the record, all right, in case something happens down the road." I believe in prosecutorial discretion, but an affirmative defense allows the individual in question to assert the opportunity to bring their case to a judge because I highly doubt that any district attorney race is going to turn on the question as to whether or not an addict, in a given case, at a given time, was afforded proper review and discretion by a prosecutor. That's all. This bill ensures fairness and an opportunity to be heard. It does not interfere with drug investigations. It is both at once a pro police and a pro defense bill, and I ask you to sustain it. Thank you. See that's the beauty of the process. I don't want you to sustain this veto. I'd like you to sustain the good judgment of this House that voted in favor of the bill as presented by the committee. There. I got it right this time. Thank you.

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. I just wanted to say that there was a bill, LD 1501, I believe that Representative Hinck had presented last session, that was trying to deal with what we can do about our huge substance abuse problem in this state, and the Substance Abuse Services Commission worked on that bill to make recommendations and I do believe that the Chief Executive called together a commission to also make recommendations. If I recall right, both this bill and the naloxone bill that we voted on earlier today were both part of those recommendations. They are all about saving lives. I can't understand the support of a veto for something that so much good work went into, so much bipartisan work went into and was part of our Chief Executive's own workgroup. Thank you.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I apologize for rising a second time; however, I do believe it's important here. What we do is we balance interests. With every bill that we look at, we have to look at competing interests. The issue here seems to be are we going to balance our interests on the side of the drug addicts or are we going to balance our interests on the side of law enforcement. Now, I know that there is a substantial, substantial issue in this state with drugs, and if I'm going to have to make a decision on this today, I'm going to err on the side of law enforcement. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I can truly say I didn't intend to rise and speak on this issue today, but I have to be honest. I think the balance here is about saving lives. I think back to, it's probably 15 or 17 years ago, a classmate of mine died of a drug overdose. He died of a drug overdose that was preventable. It was preventable in the sense that the people with him chose not to seek medical help out of the response from the police. I think we have an opportunity here to do what's right. We have an opportunity to stand by people who choose to save lives, to do what's right and to call first responders, okay? Ignoring this today will not save lives and, at this point in time, I encourage you to override the veto. Thank you very much.

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

Representative **FARNSWORTH**: Thank you, Mr. Speaker. I will be very short. In reading the letter from the Executive, I am very concerned about the emphasis on law enforcement and that sort of thing, and while I think that is certainly a component, the part that seems to be missing is doing something along the line of treatment programs and helping people to remove themselves from these terrible drugs. That is a missing piece. Thank you.

After reconsideration, the House proceeded to vote on the question, 'Shall this Bill 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. 284V

YEA - Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Dunphy, Evangelos, Farnsworth, Frey, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Tyler, Verow, Villa, Welsh, Werts, Wilson, Wood, Mr. Speaker.

NAY - Ayotte, Bennett, Black, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Doak, Duprey, Espling, Fitzpatrick, Fowle, Fredette, Gifford, Gillway, Guerin, Harvell, Jackson, Johnson D, Johnson P, Kinney, Knight, Libby A, Lockman, Long, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Reed, Sanderson, Sirocki, Timberlake, Turner, Volk, Wallace, Weaver, Willette, Winchenbach, Winsor.

ABSENT - Beaudoin, Beaulieu, Campbell R, Gattine, MacDonald S, MacDonald W, Peterson.

Yes, 97; No, 47; Absent, 7; Excused, 0.

97 having voted in the affirmative and 47 voted in the negative, with 7 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

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

HOUSE DIVIDED REPORT - Majority (9) **Ought Not to Pass** - Minority (4) **Ought to Pass as Amended by Committee Amendment "A" (H-434)** - Committee on **JUDICIARY** on Bill "An Act To Ensure Accountability of Guardians Ad Litem and Parenting Coordinators"

(H.P. 689) (L.D. 975)

Which was **TABLED** by Representative PRIEST of Brunswick pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

The SPEAKER: Will the Representative defer? The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Mr. Speaker, I'd just like some clarification on which issue it is that we're on.

The SPEAKER: Yes, it looks like the boards are down again. We are on Item, on the regular calendar, 6-11, LD 975. The Representative from Brunswick, Representative Priest, has moved that the House Accept the Majority Ought Not to Pass Report. That is the pending question. The Representative may proceed.

Representative **PRIEST**: Thank you. What you need to know about this bill, Representative Villa's bill, is that the Judiciary Committee voted out a unanimous bill on guardians ad litem and most of Representative Villa's bill is contained in that unanimous report. You have not yet seen it because it's awaiting a fiscal note from the fiscal office, and as you can well imagine, that office is engaged in doing a lot of other things at this point. The one thing that is not in that unanimous report, and it is in Representative Villa's bill, is the issue of whether you should remove judicial immunity from guardians ad litem. Now, what is a guardian ad litem? A guardian ad litem, in a divorce, it serves as an extra witness to a judge. The guardian ad litem interviews witnesses for the judge and comes back to the judge and reports on what is in the best interest of the child in a divorce. You can be sure that of the two parties in the divorce, that one party is going to be happy with the report and one party is going to be unhappy, and you can be sure that the unhappy party and there may be legitimate reasons for being unhappy, but the unhappy party is going to look for some remedy. The remedy they would have in Representative Villa's bill is to sue the guardian ad litem. The Judiciary Committee decided against that because we weren't sure about the issue of insurance. If you're going to allow cases against a guardian ad litem for gross negligence, which Representative Villa's bill does, and for punitive damages, which are very rare in the State of Maine, if you're going to allow this, you've got to have insurance for the guardians ad litem. Whether they can even get insurance for punitive damages is a good question. We don't know that. We found only one state that had removed judicial immunity, that was Maryland, and we asked for information on insurance and we couldn't get it from anybody. So we think that there ought to be judicial immunity. We think the guardians ad litem, if we know they're going to have the possibility of getting sued for their opinion, are going to be much less likely to give an unbiased opinion to the judge. You will recall, Men and Women of the House, that we have judicial immunity here. We have immunity for anything that we say on the floor of the House. We can't be sued for whatever we say on the floor of the House. That's important for our debates. That's important for us to be carrying on our debates without worrying about getting sued. We think guardians ad litem ought to have the same judicial immunity. You will see, as I say, a bill, which will come to you that has the unanimous support of the committee, which will deal with most of the issues for guardians ad litem. On this case, though, unfortunately I have to recommend that you follow my light and vote this bill Ought Not to Pass. Thank you.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Villa.

Representative **VILLA**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. I would like to explain what a guardian ad litem is. Guardian ad litems are mandated by the court in contested divorce cases, usually meaning that the parents can't agree on custody of their children. The role of the guardian ad litem is to represent the best interest of the child and investigate the parents, schools, family, and friends, so they can help the judge to decide who should get custody or whether custody should be shared. Historically, the guardian ad litem system was created specifically for children in cases of abuse by the parents or for children who are in foster care. This is a federally funded program. These children don't have loving families to watch out for their best interest. This role quickly filtered into the mainstream divorce industry. For most of us, a divorce marks the first time we ever set foot in a courthouse. And when you are mandated by the judge to pay for a guardian ad litem, you automatically assume that this person has been trained and is qualified to understand family dynamics, because they are looking out for the best interest of your child. You assume that they have a background in child psychology, maybe social work or at the very least that the Judicial Branch has a program in

place that legitimizes the role of a guardian ad litem. There are approximately 297 GALs in the State of Maine, more than 85 percent of them are lawyers. Their training to become a guardian ad litem consists of a 16-hour course and a background check. After the 16-hour course, they can charge upwards of $150 an hour and are given no timeframe to complete their "investigation" so the cost of the guardian ad litem is sometimes higher than the actual cost of the divorce itself. The problem is there isn't a program in place to oversee that guardian ad litems are doing their job ethically, which means their role or duties are not defined, nor is the complaint process. They have no code of conduct and no billing procedures set in place, yet it is a mandated system by the Judicial Branch.

While on the Judiciary Committee, I heard horror stories from families who had GALs that were unethical, biased, rude, lied in reports, and ignored evidence of abuse. One woman from Bethel testified that a 61-year-old adult male guardian ad litem had requested that her 6-year-old son spend the weekend with him, and the judge ordered this. When the guardian ad litem came to pick the child up, the boy was hysterical and taken to the hospital where the hospital staff and police refused to let the guardian ad litem take the child away from his mother. There are no rules to prohibit this action. In Maine, fees charged by guardian ad litems have reached as high as $100,000 and there was a case, I'm sure there are more, where a judge put a lien on the family home because they couldn't afford to pay for the guardian ad litem fees. While the $100,000 fee was rare, it wasn't unusual to hear of guardian ad litems charging $10,000 to $30,000 per case. Guardian ad litems are also awarded quasi-judicial immunity, like that of a judge. So they are never held accountable for acts of negligence and once a guardian ad litem is on your case, the process for removal is to go through the judge that mandated the guardian ad litem, but even if you complain, the guardian ad litem stays on your case until the end. Can you imagine the resulting recommendation from a guardian ad litem that you made a complaint about? It's why you will hear that there are very few complaints against guardian ad litems, but we did hear testimony from many people speaking about abuses within the system. There are lawyers in this chamber who are guardian ad litems, who will tell you that in order to protect their ability to investigate without fear of being sued, that they need immunity. I understand, but can we not add a stopgap measure to protect families from acts of gross negligence? Many of us work under some program or organization with oversight, such as the Overseers of the Bar, or the Maine Association of Realtors. For me, it's US Airways and the FAA. They hold us up to standards of conduct as to not ruin the integrity of the profession. Guardian ad litems have no such oversight. There are many good guardian ad litems and I believe that by removing immunity for acts of gross negligence, we will send a message only to those who act unethically, and protect the integrity of the profession for those who do.

The Judiciary Committee worked on another bill that called for guardian ad litem reform, but the fiscal note came back at $1.5 million per year. We clarified a few things, then received another fiscal note of approximately $260,000 per year. I was also told that appropriations would not fund it. In the absence of a program, the Minority Report ensures transparency and accountability to protect Maine's children and families; it establishes procedures for the appointment of guardian ad litems, their duties; it directs the court to establish expenditure limits on their fees; and states that a guardian ad litem is not civilly liable for good faith acts or omissions performed within the scope of the duties of the guardian ad litem, if the person is not grossly negligent. There is no fiscal note, and it will add Maine to one of the states that recognize the national call for guardian ad litem reform. I hope you will vote red, Ought Not to Pass, the Majority Report, so we can consider the Minority Report, Ought to Pass as Amended. Thank you.

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

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

The SPEAKER: The Chair recognizes the Representative from Freedom, Representative Jones.

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

The SPEAKER: The Representative may pose his question.

Representative **JONES**: Specifically to any members of the committee on the Ought Not to Pass Report, is it true that guardian ad litems currently have judicial immunity for allegations of perjury?

The SPEAKER: The Representative from Freedom, Representative Jones, has posed a question through the Chair to anyone on the Judiciary Committee who may care to respond. The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative **PRIEST**: Thank you, Mr. Speaker. They may have judicial immunity, but they are subject to a complaint process, which exists now with the courts, and if in fact they had committed perjury, the courts could very well sanction them and even remove them from the roster. If I might, Mr. Speaker, I would speak a little more. What you have to understand, ladies and gentlemen, is all of the abuses you've heard about or the abuses we heard about were on one side of the issue. We never heard of the person who was happy with the guardian ad litem. That's not to say the abuses didn't exist and this other bill that will be before you, this unanimous report that will be before you deals with those. A couple of things you have to know. The court is already taking steps to deal with the question of excessive fees and excessive acts by guardians ad litem. They have put into effect now a program, which requires a judge to say who the guardian ad litem is going to interview and what their fees are going to be, and it sets a cap to their fees. There also will be a complaint process, which will be set up in that bill, which will take care of some of the concerns that Representative Villa said. The bill does not have, however, a removal of judicial immunity, and that's the key issue here that you have to decide. We feel, the majority of the committee feel, that judicial immunity is vital for the ability of the guardian ad litem to act as an extra witness for the judge. Without that, you're going to have to have a lot of insurance. That insurance is going to have to be paid for somehow, which is going to drive up the fees, so we don't think that is a good idea. What we think should take its place is oversight, which will be in this other bill, and a complaint process, which will be in this other bill. Thank you.

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

Representative **MOONEN**: Thank you, Mr. Speaker. I rise as a member of the Judiciary Committee and we've been working on guardian ad litem issues this entire session, and from the very beginning, the call for reform was very clear. There have been three commissions to study the need for reform in the last seven years and nothing has been done about it, and our committee spent the last five months working on this together and from based on where we started, I never thought we would end up with a unanimous report. I consider it a miracle, actually, that we did, and I think we worked together for a very, very long time to make some very important reforms, to take some very important

and necessary steps for guardians ad litem. You know, there is a fiscal note on that bill, as Representative Villa mentioned, and we spent a lot of time with the Judicial Branch arguing about the fiscal note that they gave us. We spent about three hours arguing about one word, the word "monitoring," and how that impacted the fiscal note, and we got it to drop significantly. We worked very well together to make that happen. I would like the unanimous report of the committee to stand. I would like our work to move forward. The Minority Report, passing this bill, would completely undermine the unanimous report that we worked for five months together to get. You know, our work that we did together should go forward, so I urge you to accept the pending motion.

The SPEAKER: The Chair recognizes the Representative from Buckfield, Representative Hayes.

Representative **HAYES**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. I rise to encourage you to support the pending motion. Guardians ad litem have no authority in anybody's family matter until they are appointed by the court. In the court order that appoints them includes what they are ordered to do. All quasi-judicial immunity does is says while I'm doing what I've been ordered to do, I can't be taken to court for doing what the court ordered me to do. Very few of us do our jobs under court order. Guardians ad litem, that's the only place they get any authority from is from the court order, the order of appointment. So if I am to do that job, I need to have the protection of quasi-judicial immunity. If I step beyond that court order and what it authorizes me to do, I am just as susceptible to being sued as anybody else. So quasi-judicial immunity only protects the guardian while they are performing the duties that they were ordered to do by the court. This bill, if the Minority Report were to come before us and we were to vote affirmatively, would strip that out. There are very few people who do this work, who would be willing to continue to do it under the circumstances where they are not protected when they are following a court order. I think that's important for you to understand and it's why, in the other bill that the good Chair of the Judiciary Committee mentioned, that will come before you, continues to offer this immunity to guardians when they are working under a court order. There is a professional association of guardians ad litem in Maine that has existed for just over 10 years now and they are supportive of the bill that has the unanimous report out of committee, not because we agree with all the previous statements of others who have spoken on this bill, but because we recognize that we need to improve the business practices of those who do this work. We feel that the improvements that are coming in the other bill will in fact do that, so I encourage you to vote affirmatively on this Ought Not to Pass motion as the good Representative from Portland suggested, allowing us then to support the Unanimous Committee Report when it comes before us. Thank you.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Cooper.

Representative **COOPER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to add a little context to this discussion. In a former life, I occasionally represented parties in domestic relations cases involving children – custody issues, visitation rights and so forth. While I never was involved in a case where a guardian ad litem was appointed, I can tell you that these are the most emotionally stressing cases imaginable because the most precious thing in the world is involved, your child, and so the party that does not come out on top invariably feels that their case has not been heard fairly for right or wrong, and I don't doubt that occasionally that happens. But this is an area where tough choices have to be made and guardian ad litems are put in an inherently difficult situation. That, I think, is one of the reasons for the special legal status that they are given. Finally, I would also add that since most guardian ad litems are also attorneys or social workers, they would be, I assume, subject to discipline by their professional organizations, the bar or whatever the case may be, in the event that there was a situation of gross negligence or misconduct. Thank you.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Villa.

Representative **VILLA**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I apologize for rising a second time. I just wanted to say that there is no professional organization that oversees guardian ad litems and there is no real complaint process, except for what I explained earlier. Also, keep in mind that these guardian ad litems are making up to $150 per hour. I can assure you that there is an insurance agent somewhere who is willing to sell them malpractice insurance, just like an attorney would have to purchase. Also, this bill does not come with a fiscal note and the bill that the Judiciary Committee worked on comes with a steep fiscal note, and I worry that if it doesn't pass, we will leave Maine families with absolutely no oversight for guardian ad litems. I think that the one thing that we heard many times was that people wanted to remove the immunity, and what I did with the amended version of this bill was initially I put in acts of negligence, that they would be liable for a civil suit and I changed that to read in acts of gross negligence to hopefully allay some fears. I don't think that there are very many people in any occupation who can get away with acts of gross negligence, and I think that when we're talking about our children and somebody who is responsible for deciding the best interest of the children, that these people should be held accountable if they commit an act of gross negligence.

I also want to say a lot of people have said that there is a winner and there is a loser, and often times that is the case, but I want to tell you that the majority of the people who spoke, they weren't sore losers and they had real problems with guardian ad litems and these problems were very disturbing. But I also speak to this matter on a personal level because I had a guardian ad litem who actually lied on her report in my custody case, and I had never been in a courthouse before, I had never been called into a principal's office before. I had never done anything wrong in my life. I was always the good girl. Our guardian ad litem had ruled that primary custody should go to my ex-husband and his girlfriend, and I am a great mother, and I couldn't believe that the one time that I needed to access justice, that it wasn't there for me. It was almost like, the only way I could describe it is like living in a communist country where you just don't have access to justice, and that may sound extreme, but everybody has a right to be treated fairly. I know, firsthand, what that was like. I felt like someone had stolen my identity away from me and, with that, my child. I was working, a single mom. I had a son who was 13 and a daughter who was 2, and I was the secretary of the parent/teacher organization and yet I was faced with this guardian who had said that my ex-husband and his girlfriend should have custody, and that's wrong. I did nothing wrong and for whatever reason, whether she was biased. She was biased. People aren't perfect. We have attorneys. We have judges. We have people in different, in every occupation, who error, who make mistakes and who commit crimes, and so all this bill asks is that you hold people that don't uphold the standard of conduct that they should for their profession accountable, especially when it involves children. Thank you.

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

Representative **GUERIN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I was part of the Minority Report on this bill out of Judiciary and I stand today in opposition to the Majority Report. The overwhelming amount of people who came to testify told of terrible stories of negligence on the part of the guardian ad litems that had their cases of no accountability in the billing process, where they received $85 to $300 an hour. Some testified that they had bills of $100,000 and no recourse on protesting against the bill. It is true, there is another bill coming that I support that has a terrible fiscal note on it. The bill before us is something that we can do without a fiscal note to help these families. We had not one family come and say, "I was thankful for the guardian ad litem." I'm sure there is some out there, but not one person took time from their day, and many took time from their day to come and to ask us for help in fixing this program that has absolutely no regulation. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Crockett.

Representative **CROCKETT**: Thank you, Mr. Speaker. Mr. Speaker, Distinguished Members of the House. I rise in support today of the pending motion and I'll tell you why. So far, you've heard testimony about Title 19 cases. Now, if you're wondering what those are, those are your typical divorce cases where parents can't agree as to what the status of the children should be. But the amendment that was provided, what we're voting against, also applies to Title 22 cases. Title 22 cases are situations where a child is in danger. It's the child who has been abandoned on the streets. It's the child that is living in a crack den with two parents that are drug abusers that are putting their children at threat. Now a GAL, in that case, is appointed by the state. Both parents are entitled to attorneys, as well as DHHS, because when you are removing someone's parental rights, they have to be represented. Well, a GAL, in that capacity, is appointed by the judge to go into this dangerous situation and make an honest assessment, not on the interpretations on what the mother says, not on what the interpretations of what the Department of Health and Human Services says or the father. It's an honest assessment. It's the eyes and ears of the court. Because the judge is stuck to the courtroom, the GAL will go in and they'll make an honest assessment and come back.

Now, this bill is not entirely bad in many respects, but this one provision alone is a poison pill. You are putting children at danger if you were to pass something like this because you're now making a GAL, acting on behalf of the state in a child endangerment case, at risk of being sued by a potential drug addict or some criminal who is about to lose their children. That's a poison pill for this bill. It's dangerous for the entire state as a policy issue. But taking a step back, there were some parts of this bill that initially when we heard it, in Title 19 cases, which are where there is a mother and father and they are going through a divorce and they can't get along, figuring out what the disposition of the children is going to be. Well, in those cases, there does need to be reform in the state and our committee worked diligently on that. But this, if it were to pass, would adopt a system that only Maryland has and Maryland has three attorneys per case and the expense is a lot higher because attorneys get more money. In the State of Maine, we have non-attorneys. We have social workers. We are trying to get more clinical psychologists. We're trying to get people with more of a mental health background involved, not all lawyers. We want this to be better for the children and that's why we have to oppose this bill and support the pending motion. Thank you.

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

Representative **MONAGHAN-DERRIG**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I, too, am a member of the Majority Ought to Pass for this particular bill. I just want to clarify a few things. I know that this is a very emotionally charged issue. We spent many, many hours wrangling over the details associated with this bill and the other bill that will address monitoring and oversight and the complaint process for the GALs. We've worked really, really hard and we've done it with a lot of empathy and compassion for those who we heard from, but I really feel strongly that the need to support the Majority Ought to Pass is important. There have been some statements that I just want to reconfirm that the next bill that we will be taking up will address oversight of the GALs and it will definitely address the issue of the complaint process.

One area, too, we did hear a lot from the folks that did not feel that they deserved or were treated fairly in this process, but we did hear from one young woman who is now 34 years old, who underwent a GAL process when she was young, and I will just paraphrase the letter. It was addressed May 1, 2013, addressed to the Honorable MaryGay Kennedy, Androscoggin County Superior Court in Auburn. Dear Justice Kennedy, my name is Danielle and while I do not expect that you remember me, you are a very important part of my life. When I was a child, I was a ward of the State of Maine. As a result of my situation, you were assigned to me then as a guardian ad litem. At that time, my name was Danielle Catharine Bowen. I wanted to take a moment to contact you and express my thanks for the time that you took in my life. Things could have turned out very different for me, but because of people like you who took the time to invest in my life, I did not become the expected statistic of my environment. Instead, at the age of 31, I am now a wife, a mother of three beautiful children, a homeowner, a permanent part of my adoptive family's lives, a retired paralegal and I am now just completing my first year of law school. My most recent accomplishment, becoming a certified CASSA, is what led me to folks who were able to identify that you were the GAL assigned to my case. Over the years, I have often thought about you with great appreciation and admiration without any real memory of your name. It was your influence that convinced me that I could have dreams I had been otherwise been told I could never achieve. Your influence in my life sparked a passion within me for law. When along the way I was discouraged from working towards my goals, I would recall your assurance that I could aspire for greatness despite any obstacle that might present itself. As I close out the end of my first year of law school at Maine Law, my successes here and in other areas of my life are directly related to your planting the seeds of confidence and determination in my life all these years ago. I wanted you to know how much of an impact your compassion and dedication had in my life. I wanted you to know how very grateful I am for you. Respectfully, Danielle M. Carsen. So yes, we didn't hear from a lot of folks that experienced positive situations with GALs, but I ask that you take this letter into consideration and again trust the hard work that was done on the Judiciary Committee and accept the Majority Ought Not to Pass Report. Thank you.

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. 285

YEA - Ayotte, Berry, Bolduc, Brooks, Carey, Casavant, Cassidy, Cooper, Cotta, Cray, Crockett, Daughtry, Davis, DeChant, Devin, Dill, Dion, Dorney, Farnsworth, Fitzpatrick,

Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hubbell, Jackson, Johnson D, Kaenrath, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, Malaby, Marean, Marks, Mason, McCabe, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Nutting, Peoples, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Sanborn, Saucier, Saxton, Schneck, Short, Stanley, Theriault, Tipping-Spitz, Treat, Tyler, Welsh, Werts, Wood, Mr. Speaker.

NAY - Beavers, Bennett, Black, Briggs, Campbell J, Chapman, Chase, Chenette, Chipman, Clark, Crafts, Dickerson, Doak, Dunphy, Duprey, Espling, Evangelos, Fredette, Gifford, Gillway, Guerin, Harvell, Hickman, Johnson P, Jones, Kent, Keschl, Libby A, Lockman, Long, Maker, Mastraccio, McClellan, McElwee, Nadeau A, Newendyke, Parry, Pease, Peavey Haskell, Reed, Rykerson, Sanderson, Shaw, Sirocki, Timberlake, Turner, Verow, Villa, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor.

ABSENT - Beaudoin, Beaulieu, Beck, Boland, Campbell R, Hobbins, Jorgensen, MacDonald S, MacDonald W, McGowan, Peterson, Stuckey.

Yes, 84; No, 55; Absent, 12; Excused, 0.

84 having voted in the affirmative and 55 voted in the negative, with 12 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

On motion of Representative FREY of Bangor, the House adjourned at 5:35 p.m., until 9:00 a.m., Wednesday, June 12, 2013.