ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
SECOND REGULAR SESSION
35th Legislative Day
Thursday, April 3, 2014

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

Prayer by Pastor David Pouchot, Crossroads Community Church, Lincolnville.

National Anthem by Lake Region Middle School Band, Naples.

Pledge of Allegiance.

Doctor of the day, Peter Amann, M.D., Scarborough.

The Journal of yesterday was read and approved.

SENATE PAPERS

The following Joint Resolution: (S.P. 751)

JOINT RESOLUTION RECOGNIZING NATIONAL PUBLIC SAFETY TELECOMMUNICATOR WEEK

WHEREAS, the United States Congress has declared the week beginning April 13, 2014 as National Public Safety Telecommunicator Week; and

WHEREAS, over 500,000 dedicated men and women are engaged in the operation of emergency response systems for federal, state, county and local governmental entities throughout the United States; and

WHEREAS, these unseen first responders answer the calls of the general public for police, fire and emergency medical assistance and dispatch such assistance to help save the lives and property of our citizens; and

WHEREAS, Americans place their trust in these individuals, not just this week, but every day of the year, and rely on their knowledge and professionalism as they make critical decisions, obtain information and quickly dispatch needed aid; and

WHEREAS, the calls include not only police, fire and emergency medical service calls but those governmental communications related to natural disasters, forestry and conservation operations, highway safety and maintenance activities and all other operations that modern governmental agencies must conduct; and

WHEREAS, Maine's public safety telecommunicators daily serve the public in countless ways without due recognition by the beneficiaries of their services; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize the week of April 13, 2014 as National Public Safety Telecommunicator Week and we urge citizens to observe this week with appropriate programs, ceremonies, activities and appreciation of these outstanding individuals.

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

READ and **ADOPTED** in concurrence.

Non-Concurrent Matter

Bill "An Act Regarding Bad Faith Assertions of Patent Infringement"

(S.P. 654) (L.D. 1660)

Minority (4) **OUGHT TO PASS AS AMENDED** Report of the Committee on **JUDICIARY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-443)** in the House on March 25, 2014.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Majority (9) **OUGHT TO PASS AS AMENDED** Report of the Committee on **JUDICIARY** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-442)** in **NON-CONCURRENCE**.

Representative BERRY of Bowdoinham moved that the Bill be **TABLED** until later in today's session pending **FURTHER CONSIDERATION**.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **TABLE** until later in today's session pending **FURTHER CONSIDERATION**.

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 Table until later in today's session pending Further Consideration. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 622

YEA - Beaudoin, Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Graham, Grant, Harlow, Hayes, Herbig, Hickman, Hubbell, Jones, Jorgensen, Kaenrath, 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, Peoples, Peterson, Plante, Powers, Priest, Rankin, Rochelo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Werts, Mr. Speaker.

NAY - Ayotte, Beaulieu, Bennett, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, Jackson, Johnson P, Keschl, Kinney, Knight, Libby A, Lockman, Long, MacDonald S, 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 - Black, Campbell R, Carey, Devin, Goode, Hamann, Hobbins, Johnson D, Kent, Noon, Pringle, Rotundo.

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 Bill was **TABLED** until later in today's session pending **FURTHER CONSIDERATION** and later today assigned.

Non-Concurrent Matter

Bill "An Act To Enact the Maine Small Business Investment Protection Act"

(H.P. 1043) (L.D. 1458)

Report "B" (5) **OUGHT TO PASS AS AMENDED** of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-670)** in the House on March 31, 2014.

Came from the Senate with Report "A" (7) **OUGHT TO PASS AS AMENDED** of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS**

AMENDED BY COMMITTEE AMENDMENT "A" (H-669) in **NON-CONCURRENCE**.

On motion of Representative HERBIG of Belfast, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

COMMUNICATIONS

The Following Communication: (H.C. 396)

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

April 2, 2014
Honorable Millicent M. MacFarland
Clerk of the House
2 State House Station
Augusta, Maine 04333
Dear Clerk MacFarland:
Pursuant to my authority under Title 5, MRSA, §2003, I am pleased to appoint the following to the Maine Library of Geographic Information Board:
Vern Maxwell of Woodstock as a representative of a statewide association of municipalities.
Jake Metzler of Bangor as a representative of a statewide association representing environmental interests.
Should you have any questions regarding these appointments, please do not hesitate to contact me.
Sincerely,
S/Mark W. Eves
Speaker of the House

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (H.C. 397)

STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002

April 3, 2014
Honorable Mark W. Eves
Speaker of the House
2 State House Station
Augusta, Maine 04333
Dear Speaker Eves:
Pursuant to Joint Rule 310, the following Joint Standing Committees have voted unanimously to report the following bills out "Ought Not to Pass:"

Agriculture, Conservation and Forestry
L.D. 1823 An Act To Amend the Outcome-based Forestry Experiment Laws

Energy, Utilities and Technology
L.D. 965 An Act To Improve Maine's Underground Facility Damage Prevention Program

Judiciary
L.D. 1818 An Act To Facilitate Public Records Requests to State Agencies

Labor, Commerce, Research and Economic Development
L.D. 1836 An Act To Establish the Commission on Promoting Manufacturing in Maine
L.D. 1846 An Act To Require the Licensure of Scrap Metal Recyclers and Mobile Scrap Metal Dealers

The sponsors and cosponsors have been notified of the Committee's action.
Sincerely,
S/Millicent M. MacFarland
Clerk of House

READ and with accompanying papers **ORDERED PLACED ON FILE**.

The Following Communication: (S.C. 876)

MAINE SENATE
126TH LEGISLATURE
OFFICE OF THE SECRETARY

April 2, 2014
Honorable Millicent M. MacFarland
Clerk of the House
2 State House Station
Augusta, Maine 04333
Dear Clerk MacFarland:
Senate Paper 682, Legislative Document 1717, "Resolve, To Support Homeless Youth Shelters," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"
20 voted in favor and 14 against, and accordingly it was the vote of the Senate that the Bill not become a law and the veto was sustained.
Best Regards,
S/Darek M. Grant
Secretary of the Senate

READ and **ORDERED PLACED ON FILE**.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Captain Eugene V. Harvey, USA, Ret., of China, for his many years of dedicated service in the United States Army, 1962 to 1981. Captain Harvey served with distinction in Germany and Korea, first as a sergeant in the Corporal Engineers Battery. Captain Harvey, who retired as a commissioned officer, began his military career as an enlisted service member. In 1978, he returned to Maine, serving as a senior Army advisor to the 240th Engineer Group until his retirement. We commend Captain Harvey for his exemplary military career and we join citizens throughout the State in extending our appreciation to him for his commitment to the United States military and to the Nation;

(HLS 824)

Presented by Representative COTTA of China.
Cosponsored by Senator KATZ of Kennebec.

On **OBJECTION** of Representative COTTA of China, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from China, Representative Cotta.

Representative **COTTA**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is a great honor for me to rise and recognize Eugene Harvey. His service record, he started as an enlisted person and actually had the leadership ability to transition over to the Commissioned Officer Corps. His entire background is with the engineers and that's the combat engineers. He has served in the Republic of Vietnam, probably my oversight in this Sentiment. He is a good friend and a constituent and having served honorably, I really appreciate this opportunity to read this into the record. Thank you, Mr. Speaker.

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

Recognizing:

Lake Region High School, of Naples, on the school's great accomplishments in academics, music and sports during the 2013-2014 school year. The WorldQuest Team won the Academic WorldQuest State Competition for the 2nd consecutive year and will represent Maine in Washington, D.C. in April for the 2014 Academic WorldQuest National Competition; the Jazz Combo received a Superior Rating at the District II Jazz Festival and will be competing in the State Jazz Festival in March; and the Girls Basketball Team won the Class B Girls Basketball State Championship for the first time in 39 years. We extend our congratulations and best wishes to the students and teams of Lake Region High School on their achievements;

(HLS 826)

Presented by Representative POWERS of Naples.
Cosponsored by Senator PLUMMER of Cumberland, Representative VILLA of Harrison, Senator HAMPER of Oxford, Representative KINNEY of Limington.

On **OBJECTION** of Representative POWERS of Naples, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Naples, Representative Powers.

Representative **POWERS**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. It's Laker Pride Day here for me here today. I am excited to have so many students here. I am pleased to welcome students from Lake Region Middle School who gave us that wonderful rendition of "The National Anthem." I am also proud to introduce you to students from one campus, representing two schools: Lake Region High School and Lake Region Vocational Center, and to honor their many achievements with this sentiment.

At a time when the emphasis is too often on the negative regarding our public schools, this list of awards, medals, and championships outlines just a small sampling of the many positive achievements in academics, art, athletics, career skills, music and technology for the students of MSAD 61. The WorldQuest Team continues to dominate in competition. The Jazz Combo and chorus light up the stage when they compete year-after-year. Art students have their work regularly showcased in local galleries. Our Vocational Center students earn high achievements during competition in the areas of business, career skills, and technology. The Robotics team dazzles us with their engineering feats. Track records were shattered in this year's state competitions, and the girls' basketball team captured the elusive gold ball in Class B this year after representing Western Maine in the championship game 6 times in the last 9 years.

Please indulge me for a moment while I take the time to recognize by name each of the students from these groups that is here today proudly representing Lake Region High School and Lake Region Vocational Center: Nolan Abrams, Taylor Bass, Hunter Bodenheim, Emily Burnham, Ti Carter, Katie Caulfield, Miranda Chadbourne, Anthony Champoli, Lily Charpentier, Adam Cook, Sierrah Crockett, Taylor Cronin, Max Evans, Nicole Fox, Zach Gray, Kate Hall, Heather Hall, Austin Kaeser, R. J. Legere, Even Logan, Estelle Lohm, Mackenzie McHatton, Galen McLaughlin, Alex Menezes, Amina Meziani, Melody Millett, Olivia Mills, Steve Milton, Daniel Neault, Kira Olsen, Evan Sanborn, Wyatt Smith, Hannah Somers, Lydia Symonds, Sage Tocci, Spencer True, Meghan VanLoan, Giselle Wallace, Anna Yates, and Florian Ziegler. Congratulations to all of the students of MSAD 61.

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, too, would like to welcome our Lake Region students. They held their heads up high when a flood system of school ratings gave our region a failing grade. These students were not deterred and are united by community, parents and, most importantly, school spirit. We are proud of them and their achievements, and we are honored to welcome them to the House of Representatives today. Thank you.

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

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass pursuant to Joint Order 2013, S.P. 742** on Bill "An Act To Delay Implementation of the Maine Metallic Mineral Mining Act and Related Statutory Provisions" (EMERGENCY)

(S.P. 750) (L.D. 1851)

Signed:
Senators:
BOYLE of Cumberland
GRATWICK of Penobscot

Representatives:
WELSH of Rockport
CHIPMAN of Portland
COOPER of Yarmouth
GRANT of Gardiner
HARLOW of Portland
McGOWAN of York

Minority Report of the same Committee reporting **Ought Not to Pass pursuant to Joint Order 2013, S.P. 742** on same Bill.

Signed:
Senator:
SAVIELLO of Franklin

Representatives:
AYOTTE of Caswell
CAMPBELL of Orrington
LONG of Sherman
REED of Carmel

Came from the Senate with the Majority **OUGHT TO PASS PURSUANT TO JOINT ORDER 2013, S.P. 742** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

READ.

Representative WELSH of Rockport moved that the House **ACCEPT** the Majority **Ought to Pass pursuant to Joint Order 2013, S.P. 742** Report.

The SPEAKER: The Chair recognizes the Representative from Rockport, Representative Welsh.

Representative **WELSH**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. Just for clarity, this bill that comes to us from the other body is the companion piece to the mining resolve that we passed earlier in the week and that will be coming to us on enactment today. It moves the date of implementation of the mining law to 2016 rather than June 1,

2014, in order to be consistent with the rules that will be coming back to us two months before the statute goes into effect. So it's just keeping them so that they are consistent with each other. Thank you. And I ask for a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass pursuant to Joint Order 2013, S.P. 742** 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 Caswell, Representative Ayotte.

Representative **AYOTTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Thank you for the opportunity to speak on mining in Maine, especially as it applies to Aroostook County. I missed the opportunity Monday because of the weather. I certainly understand why some of you have reservations about mining in Maine. I know that some of you live in communities where mining has had an adverse effect on the local environment. I fully appreciate your lack of enthusiasm in approving these mining rules. Allow me, however, to explain that times have changed greatly and now new stringent environmental standards and new mining technologies are now being employed.

When mining was first initiated in the State of Maine a number of years ago, the DEP was non-existent or at the least a very fledgling organization. Furthermore, at that time, the DEP had little authority and very few professional staff available. We now have one of the finest and most skilled staff available in the various areas of responsibility, be it water, land or air quality of any state in the Union. New technological advances in mining also are now being utilized to protect the environment, not only while operations are occurring but monitoring programs continue long after the mining operation has ceased. New requirements now exist that mandate that the mining operator will and must have a fully funded trust fund prior to the initiation of any mining activity. The DEP can draw upon this fund should circumstances warrant.

Mr. Speaker, I assure you we live in a different time as compared to when the Callahan and Kerr American Mines in Brookfield were being worked. Please understand that I have been a member of the Environment and Natural Resources Committee for eight years and have now watched LD 1853 from its inception to the stage where it is now. Had I thought that it would have been harmful to the environment I would have never co-signed the bill. I am a former Biology teacher and can tell you that I have spent much time in the fields and forests of Aroostook County identifying the flora and fauna of northern Maine. I have great love and respect for the natural history of Maine and I also want to keep it pristine and beautiful.

I can tell you of no other LD that has undergone so much scrutiny or so much vetting as the mining bill. The Committee Chairmen bent over backward to assure that each person, wanting to testify, was given full and ample time. Mr. Speaker, allow me to tell each person that is skeptical or has reservations, that every sentence, every word, every paragraph in the mining bill was scrutinized, discussed, and analyzed at length for any area of remotest concern or question. All possible safeguards were included in the mining rules and where any reservation or question existed we addressed them fully.

Mr. Speaker, I do not and will not actively or knowingly hurt the environment of Maine. With that being said and with all the safeguards that we have put into place, I also know that as a state legislator we need jobs in Aroostook County. I can fully relate to the people of Washington County and other struggling communities where food on the table, clothing for your children and shelter for your family are of utmost importance. Without a job, Mr. Speaker, you cannot fully participate in life. You are left out in what is happening around you. You are unable to realize the American Dream. If you work hard, you deserve at least a chance for that dream. I can remember not so many years ago, when Aroostook County had a population of 103,000 people. I was in high school. It has just been recently made public that for the first time the population of Aroostook County has fallen to under 70,000 people. Except for the professional people, young people are moving away in droves, people are just surviving, businesses are closing, schools have lost a great number of children. Many roads are crumbling and much of the infrastructure is in disrepair. Our farming industry that once had a potato acreage of 103,000 acres is now down to 50,000 acres. The cost of living remains higher than in any other part of Maine. All I am asking of you, my fellow Representatives, is to give us a chance to create jobs, to be a part of Maine's economy, to be part of the global community, a chance to succeed.

Mr. Speaker, to quote a great person, whom I need not name, to my fellow Representatives, south of Aroostook County, may I say to you, "We are not enemies, we must not be a 'House divided.'" What little we ask will be part of your success also. Remember our success will be your success; our accomplishments will be your accomplishments. Our men and women need jobs just as your men and women do. Our children need food just as your children do. Our families need shelter just as your families do. Many times, we hear that the people of southern Maine support the people of the north. We do not want this, we do not want your handouts but rather an opportunity to put our own hand on the plow, to till our own soil, to discover our own potential so that we can have a better chance and create our own destiny.

Mr. Speaker, I ask that those of you that hesitate, those of you that have reservations, let me assure you that if this great undertaking fails, that is, if there is failure in the mining project we have made contingency plans for that also. We have a section in the bill that mandates that funds be in this account so that the affected area can be returned it to its prior condition. May I also remind you, Mr. Speaker, we also have one of the most professional and competent DEPs in the United States. They will inspect, they will monitor and scrutinize each and every step of the mining operation. The DEP will set parameters for each conceivable operation. Remember, Mr. Speaker and Fellow Representatives, we love Maine's environment as well as anyone. We love its forests, its fields, its mountains and streams. We also want it clean and healthy for our children and grandchildren. The DEP in the State of Maine has the power to abruptly shut down any operation that would be detrimental to our land, our waters or our air. You, the legislators, have given them this mandate. Trust what authority you yourselves have given them.

In closing, I wish to mention that when we succeed you will succeed. You will notice it in your malls, your restaurants, your motels and your tourist industry. Aroostook County has to be a place for more than just spiritual renewal, as it was referred to as. It must be a place where you can live, find gainful employment and raise a family. It must be more than just a destination for hunters and fishermen. It has to be more than a place where the young go to find themselves or the elderly come to retire. Yes, it is true, Mr. Speaker, all these things are wonderful but somewhere along the way, my fellow Representatives, Aroostook County has to be a place where one can find a job, make a living and raise a family. That is why I ask you not to act with trepidation or hesitation but with fervor and enthusiasm for your brothers and sisters to the north. Vote to approve these Mining

Rules and you will be part of helping to make Aroostook County a place where work abounds, good paying jobs exist and the environment remains pristine. 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. I appreciate very much the words of the good Representative from Caswell, Representative Ayotte. In fact, I think he described very clearly the declining population of his area that peaked in about 1940 and has been declining ever since. Interestingly, the area that I represent, the Blue Hill peninsula, had a population peak in 1880 and it declined through 1960, so from a population decline point of view and an economic status point of view, his region parallels very closely my region, only with the difference in the exact timing. Relative to job creation, I think that what we now know, which we did not know when we were voting on mining bills in the last Legislature, is that the Bald Mountain deposit had a great deal of investment. More than $20 million were spent in Bald Mountain in the late 1980s and early 1990s, and one of the reasons this came as a surprise to us, we did not know that but neither did we recognize any economic benefit to Aroostook County during the expenditure of those funds, and the reason is quite simple. The costs involved with the mining exploration that was done then at tens of millions of dollars and the costs for extraction that is being proposed do not result in input to the local economy. That's one of the difficulties with it. But, Mr. Speaker, I'd like to turn my attention to a different matter which is that this bill that has come before us today is no information about it, including the voting committee, is available to the public. In fact, it was a surprise to me that this bill is before us today and although I can access the bill on the chamber website, I cannot access it on the public website, and so this bill, which had no public hearing and no public work session, is now before us without public awareness and therefore I move to Table the motion. Thank you.

The same Representative moved that the Bill be **TABLED** until later in today's session pending the motion of Representative WELSH of Rockport to **ACCEPT** the Majority **Ought to Pass pursuant to Joint Order 2013, S.P. 742** Report.

Representative BERRY of Bowdoinham **REQUESTED** a roll call on the motion to **TABLE** until later in today's session pending the motion of Representative WELSH of Rockport to **ACCEPT** the Majority **Ought to Pass pursuant to Joint Order 2013, S.P. 742** 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 to Table until later in today's session pending the motion of Representative Welsh of Rockport to Accept the Majority Ought to Pass pursuant to Joint Order 2013, S.P. 742 Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 623

YEA - Beavers, Boland, Briggs, Casavant, Chapman, Dickerson, Espling, Evangelos, Guerin, Harlow, MacDonald S, Rykerson, Stuckey, Verow, Villa, Wallace.

NAY - Ayotte, Beaudoin, Beaulieu, Beck, Bennett, Berry, Bolduc, Brooks, Campbell J, Carey, Cassidy, Chase, Chenette, Chipman, Clark, Cooper, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, DeChant, Dill, Dion, Doak, Dorney, Dunphy, Duprey, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Graham, Grant, Harvell, Herbig, Hickman, Hobbins, Hubbell, Jackson, 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, Nutting, Parry, Pease, Peavey Haskell, Peoples, Peterson, Plante, Pouliot, Powers, Priest, Rankin, Reed, Rochelo, Rotundo, Russell, Sanborn, Sanderson, Saucier, Saxton, Schneck, Shaw, Short, Sirocki, Stanley, Theriault, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Volk, Weaver, Welsh, Werts, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

ABSENT - Black, Campbell R, Devin, Goode, Hamann, Hayes, Johnson D, Noon, Pringle.

Yes, 16; No, 126; Absent, 9; Excused, 0.

16 having voted in the affirmative and 126 voted in the negative, with 9 being absent, and accordingly the motion to **TABLE** until later in today's session pending the motion of Representative WELSH of Rockport to **ACCEPT** the Majority **Ought to Pass pursuant to Joint Order 2013, S.P. 742** Report **FAILED**.

The SPEAKER: A roll call having been previously ordered, the pending question before the House is Acceptance of the Majority Ought to Pass pursuant to Joint Order 2013, S.P. 742 Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 624

YEA - Beaudoin, Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Dickerson, Dill, Dion, Dorney, Dunphy, Espling, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Gillway, Graham, Grant, 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, Moriarty, Morrison, Nadeau C, Nelson, Peoples, Peterson, Plante, Powers, Priest, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saxton, Schneck, Shaw, Stuckey, Tipping-Spitz, Treat, Verow, Villa, Welsh, Werts, Mr. Speaker.

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

ABSENT - Black, Campbell R, Devin, Goode, Hamann, Johnson D, Noon, Pringle.

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 pursuant to Joint Order 2013, S.P. 742** Report was **ACCEPTED**.

The Bill was **READ ONCE**.

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

Representative WELSH of Rockport **PRESENTED House Amendment "A" (H-799)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Rockport, Representative Welsh.

Representative **WELSH**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Let me be clear about what this bill does. This bill is not about whether or not to have mining in Maine. It's about keeping the statute that we have in place, every word of it. It does not change any of the wording from the mining bill that was passed in the 125th Legislature. This bill is the result of wanting stronger rules to protect our water quality and our taxpayers that we passed earlier in the week. The rules will come back to us in February 2016. This bill makes sure that then the statute goes into effect in June 2016 when the rules are ready to support the Mining Act. Right now, what we have is the statute is supposed to take effect June 1, 2014. If that happens, there will be no rules in which to implement the Act, which will be confusing to companies that would like to do mining in Maine. It creates a legal quagmire, if you will. So this bill just keeps the Mining Act consistent with the rules that will be coming back to us next February. So a vote yes on this does nothing to take mining away from Maine. We can still do mining, but it means that the statute that we passed in the 125th, rather than taking effect June 1, it takes effect June 1, 2016. Thank you.

Subsequently, **House Amendment "A" (H-799)** was **ADOPTED**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-799) in NON-CONCURRENCE** and sent for concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Hold an Advisory Referendum on Tax Reform" (EMERGENCY)

(S.P. 726) (L.D. 1813)

Signed:

Senators:

HASKELL of Cumberland
MILLETT of Cumberland

Representatives:

GOODE of Bangor
BROOKS of Winterport
LIBBY of Lewiston
MOONEN of Portland
STANLEY of Medway
TIPPING-SPITZ of Orono

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-478)** on same Bill.

Signed:

Senator:

THOMAS of Somerset

Representatives:

BENNETT of Kennebunk
JACKSON of Oxford
KNIGHT of Livermore Falls
MAREAN of Hollis

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

READ.

Representative BERRY of Bowdoinham moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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: 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. 625

YEA - Beaudoin, Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Grant, Harlow, Harvell, 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, Moriarty, Morrison, Nadeau C, Nelson, Peoples, Peterson, Plante, Priest, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Saxton, Schneck, Shaw, Short, Stuckey, Theriault, Tipping-Spitz, Treat, Villa, Welsh, Werts, Mr. Speaker.

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

ABSENT - Black, Devin, Goode, Hamann, Johnson D, Noon, Powers, Pringle, Stanley, Verow.

Yes, 86; No, 55; Absent, 10; Excused, 0.

86 having voted in the affirmative and 55 voted in the negative, with 10 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Implement the National Popular Vote for President"

(S.P. 201) (L.D. 511)

Signed:

Senator:

MASON of Androscoggin

Representatives:

BEAULIEU of Auburn
FOWLE of Vassalboro
GIFFORD of Lincoln
KINNEY of Limington
SAUCIER of Presque Isle
TURNER of Burlington

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:

Senators:

TUTTLE of York
PATRICK of Oxford

Representatives:

LUCHINI of Ellsworth
LONGSTAFF of Waterville
RUSSELL of Portland
SCHNECK of Bangor

Came from the Senate with the Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **FAILING OF PASSAGE TO BE ENGROSSED**.

READ.

Representative LUCHINI of Ellsworth moved that the House **ACCEPT** the Minority **Ought to Pass** Report.

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. As I understand the bill, the motion seeks to simply have Maine become a state that would simply be counted in the process of electing a President as a one person, one vote state which is contrary to our national Electoral College which is within our Constitution. Essentially, what that means is, within the bigger scheme of things, people who are running for President are going to go and campaign in Texas and Florida and California and New York, and to think that this is going to be in any way a benefit to Maine not to have the current system, I think, is just really foolhardy. The reason why the Electoral College was created was is because it actually protected small states like Maine. It's much the same reasoning as to why we have both a House and a Senate, where we have one body that's sort of based on population but then we have another body where, in the Senate, you have representation based upon each state, and so there's a balancing. The Constitution and the Founding Fathers here really sought to create the balance within the system of really what I think is the proper way to be proceeding, and so I will be voting against the current motion. Thank you, Mr. Speaker.

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. They say in politics that timing is everything. This bill is about 190 years too late. It would have been okay when we part of Massachusetts because when the Massachusetts Delegates stood at the Constitutional Convention they were a large state. We haven't been a large state for some time. In fact, we've been shrinking vis-à-vis the nation since our peak in the 1840s. Why any state that was small would ever comprehend giving up its advantage is beyond me. And, by the way, the vote we just cast before this which those that voted green understood that we are a republic, not direct democracy, that tyranny comes in many forms and it comes in the form of big states versus little states, and the little states, at the Constitutional Convention, fought so that they wouldn't be overwhelmed. There are 30 full population centers in this country with over 500,000 people and none of them are in Maine. This is an end-run against the Electoral College because they cannot force a straight amendment upon this, because most of the small states still know what it means to be a small state and they are not willing to take this out and have to put it in referendum form to the people where they might say, "Geez, I don't know. We're small. Why would we be doing this?" If you do this, you will have seen your last presidential candidate even come take you out for dinner. They won't even have to come here for that anymore, not even just a gesture. They can go to 1 of 34 places and they are going to take you along for the ride, whether you want to go or not, and who in this body wants to actually have to step outside to the people of Maine after they have voted, potentially overwhelmingly, for one presidential candidate, just to say we wiped their will off the face of the ballot they just tossed out? This is an absurdity that any small state would even be thinking of this.

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

Representative **EVANGELOS**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise to speak for the pending motion. I've long believed that the Electoral College is a threat to our democracy and an accident waiting to happen. The most recent divisive outcome of the Electoral College occurred during the election of 2000, when Vice President Albert Gore won the popular vote by 500,000 votes but then lost the Electoral College vote to George Bush, Jr. 271 to 265, in a bitterly disputed election made worse by questionable vote counting tactics in Florida and the unprecedented intervention of the U.S. Supreme Court. This experience produced long-standing wounds to the nation's body politic and helped fortify the already bitter dispute going on between the two parties. I might add that the election of 2012 almost resulted in a similar problem with President Obama garnering just 51 percent of the popular vote but 62 percent of the Electoral College vote over his opponent Mitt Romney. I would like to provide some historical perspective that will help guide you with your decision regarding LD 511.

Our fourth President James Madison was considered the Father of the Constitution. Although a slaveholder himself and residing in the slave state of Virginia, Madison warned about the adoption of the Electoral College. Madison was the author of the Federalist Papers in 1788 and Madison made remarks predictive of the civil strife that would come in 1861. He wrote that the great divisions of interest in the U.S. did not lie between large and small states but lay between northern and southern. The critical interest dividing North and South was slavery. States were divided into different interest not by the difference in size but by other circumstances, primarily from the effects of their having or not having slaves. An earlier compromise in 1787 allowed states to count slaves as just three-fifths of a person for the purpose of calculating respective representation in the House of Representatives. Because slaves could not vote, the South was concerned that direct popular vote would cause a reduction in the South's influence. The substitution of electors in place of a popular vote obviated this problem for the South; hence, the Electoral College was put in place. Under the Electoral College, each state receives a number of electors equal to the number of senators and representatives in each state. I believe it's time to replace this vestige of slavery with a true national popular vote. 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. When Maine acts, other states pay attention. From Clean Elections to voting rights advocacy, Maine is the state to emulate when it comes to good government laws and it's unafraid to take the lead when the federal government fails to act. This was precisely the case in 1969. That year, the U.S. Senate rejected a constitutional amendment abolishing the Electoral College, despite a solid movement to do so. In the aftermath, frustrated Mainers passed their own reform aptly titled the Maine Method. For more than 40 years, as a direct result of that, Maine has allocated our electoral votes by congressional district. Our two senate votes automatically go to the winner of the statewide popular vote, while our two congressional district votes are allocated based on the winner of the vote within the individual district. This means we can split our votes 3 to 1. Now, many years later, our quirky way of electing a President – we are the only state in the country that does this – is being examined as an alternative way for the nation to elect a President. But does our 1969 advancement still qualify as forward-thinking reform? The founders established the Electoral College as a means to balance the desires for the direct election of the President with those for having Congress elect the

President. Additionally, mass transit and mass communication were more than 100 years away, meaning average voters would have little opportunity to educate himself – yes, himself – on the candidates, assuming they could even read. It made sense, at the time, to elect local representatives whose job it was to be responsible for making an informed decision about who should run the country.

In 1968, the political landscape was vastly different. Television was eclipsing radio as the preferred method of communication, the first televised national debates had occurred, and literacy rates were high. The country also faced an extremely contentious and violent election. A leading candidate, Senator Robert F. Kennedy, was assassinated and protesters were in the streets calling for the end of the Vietnam War. As a result of the political landscape, there was a significant movement to abolish the Electoral College. For advocates, it was time to embrace the educated electorate and empower them to directly vote for the President. That following year, the U.S. House of Representatives overwhelmingly passed a constitutional amendment replacing the Electoral College with the direct election of the President. Southern segregationists fought back in the Senate and stalled the debate until the issue was finally tabled where it has remained since. A few years ago, some of the Californians launched a citizens' initiative to switch their state to the Maine Method in advance of the 2008 election. While the initiative failed to garner enough signatures to make it to the ballot, the fact that the group pointed to Maine is an example of a successful model should raise the ire of Mainers generally. There is a big difference between our humble 4 Electoral College votes and California's behemoth 55 votes, especially with a presidential election on the ballot. Had the proponents been successful, the election might well have been decided long before voters across the country even headed to the polls. Further, adopting the Maine Method nationally causes serious problems, due in large part to the steadily shrinking number of battleground districts, caused either by people moving to communities that share their values or partisan gerrymandering. This trend forces presidential candidates to further focus attention on select few battleground districts or states exactly as they do now.

Another group is advocating a multistate compact, the compact that we have before us, that would create the National Popular Vote plan. States who join the compact agree that when the collective number of electoral votes reaches 270, the number needed to win the presidency, all compact states would allocate their electoral votes to the winner of the national popular vote. This plan provides a reasonable means to protect Maine's interests as a rural state, while working to realize our state's original vision of the direct election of the President. I want to be very clear and emphasize that again. The reason we have the electoral method that we have today in Maine, the reason we have the Maine Method, as it's called, across the country, is because Congress and the Senate failed to act to pass the direct election of the President. The entire reason we can advocate for the Maine Method is because we were trying to find a solution. In fact, it was the former Representative John Martin's bill in 1969. The whole reason we have the method we have today is because we were denied the right to have the direct election of the President.

Maine legislators are taking up today the National Popular Vote plan. I hope that the House will follow suit with the other body and pass this into law. We have the opportunity to actually allow people to vote for the people that they cast their ballot for when they walk into the ballot box, because when I walk into the ballot box, I do not see presidential electors on my ballot. Last time I walked into the ballot box, I saw two people that I was deciding between: One happened to have the last name Romney and one happened to have the last name Obama. There were a few others on the ballot that I had the opportunity to consider, but they really weren't options that I wanted to look at. I did not vote when I casted that ballot for someone to go to D.C. and act on my behalf. I cast my ballot for the President of the United States and I would argue that every Mainer, in this state, when they cast their ballot, they didn't think about casting their ballot for someone who was going to represent them. They cast their ballot for who they wanted to be the President of the United States. Every other year, we go to Mainers and we ask them for their vote, and when we do that, we trust that their decision, that their vote matters, and that it's important. So if we can trust Mainers to vote for us, don't you think we should empower them and trust them to vote for the President of the United States? That's all this bill does. It allows individual Mainers to vote for the President of the United States directly as opposed to the indirect method we have now. And if folks disagree that we should be moving away from the Electoral College and toward directly electing the President, if you disagree with that, then you should also introduce a bill that rescinds the current Maine Method because, as I stated before, the only reason we have the Maine Method is that we were denied the right to have the direct election of the President, which is what we wanted. Thank you, Mr. Speaker.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought 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 Yarmouth, Representative Cooper.

Representative **COOPER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. I find myself in agreement with my colleagues on the other side of the aisle for one simple reason. The system that is currently in effect does favor small states. Remember, we have four electoral votes. That is two from having senators and two from having two congressional districts. In other words, we have disproportionately more electoral votes than larger states, given our population. This means that our votes actually count more in the election, and it also means that presidential candidates must pay attention to the interests and needs of rural states, which otherwise I fear would be largely ignored in favor of the large population centers of the country. It is no more undemocratic than the way we choose senators. We have two from each state. That's not proportional either. So that's the way our system was created. I think it has worked well and it doesn't always reflect the popular vote, but, in most cases, it has. That is the reason I will be voting against this motion.

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. For those of you who vote for this bill, remember you represent all the people in the State of Maine, not just the people in your district, so you're going to have to explain to the people of the State of Maine why you oppose the rural part of Maine or the rural part of any state or any states. There are only two states in the United States that have it right and that is Maine and Nebraska. They elected to split their electoral votes from one end of the state to the other so that they divide their votes equally how the people of their districts vote. Imagine if all the states in the United States did it

this way. That Pennsylvania, for instance, could divide up their electoral college votes so that different parts of the state could be represented equally. Maine is doing it right already. For the record, the other body failed this motion on a 17-17 tie and I hope that you oppose this and…

The SPEAKER: Would the Representative defer? The Chair would remind all members, including prior members who have spoken on this, to refrain from speaking about the actions of the other body. It is prohibited.

The Chair advised all members that it is inappropriate to refer to the potential action of the office of the executive or the other body in order to influence the vote of the House.

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 actually, four years ago, had the great pleasure of working with Representative Adams who is a great orator and constitutional scholar from Portland, and so I dusted off the speech for today's fanfare. So I'll just read you, and it's brief so I swear I won't bore you too much.

I, like many of you, received emails of support regarding the national popular vote and so I conducted some research into the matter on behalf of my constituents. I was surprised to find that once I explained the details of this interstate compact, they each emphatically asked me to vote against the bill. The reason for their change of heart was based on their desire to make every citizen's vote count in a presidential election, which despite its name, the national popular vote does not achieve. Most of those who contacted me believe the presidency should be decided by a majority of the popular vote and that the Electoral College is an archaic institution. The fact we now possess the technology to account for every vote gives this position some merit. Again, however, the national popular vote does not achieve this end. As I explained to those who reached out to me, the national popular vote is an interstate compact whereby the member states agree that whatever presidential candidate receives the most total votes, a plurality, in those collective member states, all the combined electoral votes go to that candidate. The compact does not go into effect until the member states combine for a total of 270 electoral votes, the amount required to elect the President. There are several problems with this system, the first being not every vote actually counts. If the certain number of states join the compact add up to 270 electoral votes, this can be as little as 11 states – and not all the other states do, the remaining 39, for instance – then the citizens of those non-member states, the 39, need not cast ballots for the presidency because the compact states will determine the outcome regardless of how the other 39 vote. This arrangement is contrary to the "every vote counts" intent most supporters of this bill desire, as well as being, or likely being, unconstitutional, which is why a couple of the states, after having adopted this, have become members of the interstate compact. New Jersey and Maryland, I think, were among them, that actually had efforts to repeal their membership. It makes you wonder if the appropriate name for the compact should instead be The Interstate Compact on the Popular Vote of a Few Select States Who Join.

Second, the U.S. Constitution speaks to the election of a President in Article II and again in the Twelfth Amendment. This means the Constitution is not silent on the issue, and legislation concocted by a few people and enacted by less than half the states is unconstitutional on its face. Additionally, there is also a question of whether this violates the idea of federalism and state sovereignty, which has been with us since the birth of our nation. When the states came together to create the federal government, and that was exactly how it happened, it was determined each state would have a voice in determining the President. If this compact ever came into effect, it would mean the right of non-compact member states would be trampled and the sacred pact among the states, which formed our beloved Constitution, would be broken.

Third, if in fact you support the demise of the Electoral College and believe the presidency should be determined by a majority of the popular vote, you have a recourse. Call your senator or congressperson; ask them to support an amendment to the United States Constitution, for this is the only proper forum or avenue to change to modify the method of electing a President of the United States, a change to the Constitution. Maine should not participate in an interstate compact that skirts a clearly established practice of electing a President with two centuries of precedent that protects small states. We may not always be pleased with the results of an election, but our commitment to the rule of law should come first and foremost. Demonstrate that today and please join me in defeating the pending motion. Thank you.

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

Representative **CAREY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. If all votes are worth more and that's why we should defeat this, why don't we get presidential candidates that visit our state? When was the last time a general election candidate visited our state? If each vote was actually equal, the money that would not go to the expensive media markets in this country, like Tampa and Denver and Minneapolis, it would come to media markets like Bangor and Presque Isle and maybe Portland.

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

Representative **TIMBERLAKE**: The good Representative from Lewiston is supposed to be addressing the Speaker, not the other side.

On **POINT OF ORDER**, Representative TIMBERLAKE of Turner asked the Chair to remind Representative CAREY of Lewiston to address the Speaker and not turn to the rest of the House.

The SPEAKER: The Chair would remind all members to direct remarks through the Chair.

The Chair reminded all members to address their comments toward the Speaker.

The SPEAKER: The Representative may proceed.

Representative **CAREY**: Again, Mr. Speaker, Men and Women of the House. If every vote was equal, money would not be spent in expensive media markets that happen to be in swing states, large swing states, like Tampa, Denver and Minneapolis, but they would spend it in Bangor, in Presque Isle…

The SPEAKER: Would the Representative defer? The Chair would inquire as to why the Representative from Newport, Representative Fredette, rises.

Representative **FREDETTE**: Point of Order, Mr. Speaker. Mr. Speaker, clearly enumerated direction to the speaker about addressing the Speaker, as we all should be, and it appears, certainly from my perspective, that the speaker is not following that directive. So I would ask the Speaker if he would again direct the speaker to direct his comments to the Speaker as required by the House Rules. Thank you, Mr. Speaker.

On **POINT OF ORDER**, Representative FREDETTE of Newport asked the Chair to remind Representative CAREY of Lewiston to address the Speaker and not turn to the rest of the House.

The SPEAKER: The Chair would remind the member to direct comments through the Speaker. I will say, as I said last session, I have given wide latitude on both sides of the aisle. I will be monitoring closely that remarks are directed through the Chair and motions or eye contact are not directed only to the other side of the aisle. This rule exists to keep the debate civil and direct it through the Chair.

The Chair reminded Representative CAREY of Lewiston to address his comments toward the Speaker.

The SPEAKER: The Representative may proceed.

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

Representative **CAREY**: For the third time, Mr. Speaker, Men and Women of the House. If every vote was actually counted, expensive media markets would be skipped, media markets like Minneapolis, Denver, Tampa, Orlando, and instead they would go to Bangor, Presque Isle, maybe Portland. They would be spending money in Maine in Maine businesses. They would visiting our state asking for the votes of our people, Mr. Speaker. They would pay attention to the needs of small states, Mr. Speaker. Presidential campaigns are large data driven organizations. They go to where the votes are and they spend the money to seek them. So what issues are we not seeing addressed at the federal level because they are going instead to Tampa, to Minneapolis and to Denver? We don't see a discussion of rural farming in Maine and in the rest of New England and how it differs from the rest of the country. Farms that are large in Maine are small in Wisconsin and Iowa. It's a different kind of farming. It's real, it supports our economy, and it should be supported by our members in Congress and our President. A couple of specific examples, ethanol. Iowa is not just an early caucus state for both major parties; it's also a swing state. So ethanol, though it costs more money to produce, more energy to produce than we spend when we have to buy it, is part of the policy of this country.

Milk prices. Milk prices are set by an anachronistic, complex and totally irrational formula that is determined by prices in Wisconsin and in California and in Iowa, a large state and two swing states. Mr. Speaker, we hear all the time about the Social Security offset and how people who have worked in our schools, given their careers to public service and have also worked in the summertime, or have worked for the State of Maine and have moonlighted on the side in another job that contributes to Social Security, how that money is taken dollar for dollar from the pensions that they have earned working in public service in Maine. That is not the case in most states in this country. It is the case in Maine. If presidential candidates had to come, as we do, and look at our teachers and look at our public servants in the eye and answer "Why is that fair," they would answer, as we do, "It's not." If the Social Security offset was not there, there would be less than a disincentive to go back and forth from public service and private service because there wouldn't be the cost as there is now, Mr. Speaker.

Rural broadband. Those of us who live in a rural area and I, as a Representative of the second largest state in the state is qualified as a rural area. We are a rural state. Rural broadband is not supported and, in fact, has a disincentive at the Federal Communications Commission whose commissioners are appointed by the President, who, in a general election, does not come to Maine. So that's why this is important.

The arguments that have been raised against it also need to be addressed. Is this going around the Constitution? The Constitution provided, in Article I, Section 10, no state shall enter into an interstate compact without the consent of Congress. This is fulfilling the way that Congress anticipated. Second, the Constitution lays out that voting is determined by the rules of a state. This is exactly following the Constitution. So what of the Electoral College, that historical anachronism that existed back at the time when only white men could vote? That existed for the simple reason that the people who picked the President and the votes happened, at various times, across the country and it took months on the back of a horse to get to Washington where that decision would be made. At that time, those electors carried his authority in the back of a saddlebag, not information that was transmitted on the same day across this country and across the world. This is constitutional. This meets the needs of the society in which we live. And if and when we pass this, we will finally get, as people in the State of Maine, our votes will count the same as somebody who lives in Miami or Minneapolis or in Denver, and when that happens, our needs will be met, not their needs solely. Thank you, Mr. Speaker.

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. Mr. Speaker, when I go to get a slice of pie, I usually like to get a little bit larger slice of pie. Our current slice of pie of 4 out of 538 is 0.74 percent. That seems small. However, if we get the slice of pie of the 1.3 million out of 313.9 million, that slice of pie goes down to 0.41 percent. So the bottom line is that slice of pie, under this current pending motion, is going to be a smaller slice of pie, about 43 percent smaller. I don't want a half a slice of pie. If I'm going to get a pie, I want the whole thing. Thank you.

The SPEAKER: The Chair recognizes the Representative from Easton, Representative Clark.

Representative **CLARK**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'm taking this from a little different perspective. In 2004, I worked for a presidential campaign and being part of the Second Congressional District, we got a lot of money, on both sides were spent. I know from my experience that because of the splitting in the Maine way, as it was called, I know for a fact that we would not have had that money being spent in Aroostook County and Presque Isle if it was a popular nationwide vote. There was a lot of money spent on the grassroots efforts, the door to door efforts. We had a lot of people that made phone calls in Presque Isle to people in Presque Isle and it's just, politics is an economic driver. There is a lot of money spent every two years, every four years that would not be spent in the rural parts of Maine, and I don't think they'd be spent in Maine in general. There would be a few media buys that would benefit a few television stations. But as far as the local people getting out there, you wouldn't see it on the national level and that's one of the many reasons that I cannot support this motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Mapleton, Representative Willette.

Representative **WILLETTE**: Thank you, Mr. Speaker. It appears we're going down the line. I just wanted to respond to a few comments from my good friend from Lewiston, Representative Carey's remarks. I can't really speak for the Democrat side of the aisle on presidential campaigns, but I can say because of the split with the Electoral College in Maine, we, as Republicans, have been benefited by the President of the United States coming in 2004 to campaign. President Bush flew into Bangor. In 2008, John McCain came to Maine twice to campaign and Sarah Palin flew into Bangor and campaigned as well, along with, in 2012, Mrs. Romney and other high level surrogates. If we didn't have the Electoral College, if we had the tiny slice of pie, as the Representative pointed out, I am sure that we wouldn't have received that much attention. But because of

the way we allocate our electoral votes, that puts more competition in Maine's elections and really puts Maine on the map to have some really good dialogue between the parties that, I think, is extremely important for our citizens, and it gives them a better voice and a better chance to really get out there and have their voice heard on a national level. So I urge you to vote against the pending motion. Thank you, Mr. Speaker.

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

Representative **NUTTING**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I seldom, if ever, rise to speak on a bill that doesn't come before the committee that I serve on, but my lot in life finds me serving on the Transportation Committee this Legislature and I don't believe we have had one single divided report. So I stand here with the pent up desire to stand and talk ad nauseam about a bill that didn't come to my committee. But out of sympathy for the speaker who was trying to get through some sort of an agenda, I'll try not to repeat anything that you've already heard. I will simply say that once you get past the idea that this is about "one person, one vote," once you get past that, this is a fairly simple bill. "One person, one vote" sounds fine and, in fact, in each state in this country, "one person, one vote" is how we elect the President of the United States. Every morning, we stand after the prayer and we pledge allegiance, and we pledge allegiance to the flag and to the republic – and to the republic – for which it stands. Each state itself conducts a democratic election for the President of the United States, but when the states all come together, then federalism and the Republican principles take effect on the national level as we elect the President of the United States.

There are three real dangers here, I think, and although the Representative from Bethel has read a small portion of what then Representative Herb Adams from Portland read, he missed a part that I think bears repeating, and it's short, and then I will tell you about the three dangers that I see. February 2, 2010, the floor of this House where this same exact bill was ultimately defeated by a vote of 95-50, Representative Adams said, "This is not just any old law. This is not just any old contract. This is not the equivalent of a state agreement to build a bridge or to make a river basin or to institute mosquito control. This is the election of the leader of the free world and the Commander and Chief of the mightiest arsenal in the history of the earth, and the United States should not be inclined to treat it as child's play with a side agreement to determine how the President of the United States shall be elected. You and I know this will be so rife with lawsuits from every side that it will make the election of 2000 in Florida look like the Meddybemps County Fair, all fought out between November 6th and January 6th, of in a year, in which it goes into effect."

The three dangers, as I see them, are, first, the lawsuits. There certainly will be lawsuits because every state has a different set of criteria and who can vote. Do you have early voting, do you have absentee voting, can felons vote, can inmates vote, so that "one person, one vote," if you look across country, different rules for different folks, that's going to be a problem. There will be other lawsuits involving the Constitution. Secondly, if there is a problem, like in 2000, in Florida, the whole country concentrated on the problems in Florida. If it had been an election by national popular vote, if every person's vote, if there was no Electoral College, where would you begin to look. Might you not look anywhere else? Might you look everywhere? If the difference in the vote total was, say, 50,000, do you think that there's any state, any party that wouldn't look in every single state to find a problem with the election results? Of course, they would. Finally, what we get with an Electoral College is we get a President that, for the most part, has broad appeal over a broad geographic area, and, at any given time, even the President with the worst of all numbers generally is close to 40 percent approval rating. Let's fast-forward and look and see what it would be like if we voted more like the country of France where there are sometimes 10, 12, 15 people on the ballot. We, for sure, would have a Hispanic candidate, a black candidate, we'd have a woman, we'd have someone from a large metropolitan area like New York, we'd have somebody from the West Coast, we'd have some born-again Christians, and, at the end of the day, when everyone voted for the person that they liked the best, we very well could end up with somebody who had 10, 12, 15 percent of the vote. Don't you think that that would begin the unraveling, how the northern states wouldn't like the guy from the south, or the people from the East Coast wouldn't like somebody from California who won with 12 percent of the vote? So this is a bad idea for the State of Maine, it's a bad idea for any small state, and it is a disastrous move for the federal government and the United States of America. I urge you to vote against the pending motion. Thank you.

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

Representative **PARRY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to rise to answer the good Representative from Lewiston's question. The last time a presidential candidate came was February 20, 2012, Mitt Romney.

Representative FREDETTE of Newport **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 Freedom, Representative Jones.

Representative **JONES**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I'd like to address one of the good Representative from Oakland's three dangers of this legislation, specifically the second one where he contended that disparities in voting laws among the states could lead to confusion and de facto inequity among electors. The clause governing this basically says no state shall deny to any person within its jurisdiction the equal protection of the laws. This does not change in any way the way states treat their own citizens. No single state is treating anyone who resides in any state differently from anyone else who lives in that state. In fact, even when Congress, in 1969, came close to passage of a constitutional amendment to directly elect the President by popular vote, 81 percent of the House members, including, Men and Women of the House and Mr. Speaker, Gerald Ford and George Herbert Walker Bush, that amendment didn't require uniformity, uniform eligibility or administration of election. I hope you consider that when you consider the good Representative from Oakland's three concerns over this legislation. Thank you.

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

ROLL CALL NO. 626

YEA - Beavers, Beck, Berry, Bolduc, Briggs, Brooks, Carey, Cassidy, Chapman, Chenette, Chipman, Daughtry, Dickerson, Dion, Evangelos, Farnsworth, Gattine, Gideon, Gilbert, Graham, Hamann, Harlow, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Mason, Mastraccio, McCabe, Monaghan-Derrig, Moonen, Nadeau C, Powers, Priest, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn,

Schneck, Stuckey, Theriault, Verow, Villa, Welsh, Werts, Mr. Speaker.

NAY - Ayotte, Beaudoin, Beaulieu, Bennett, Boland, Campbell J, Campbell R, Casavant, Chase, Clark, Cooper, Cotta, Crafts, Cray, Crockett, Davis, DeChant, Dill, Doak, Dorney, Dunphy, Duprey, Espling, Fitzpatrick, Fowle, Fredette, Frey, Gifford, Gillway, Grant, Guerin, Harvell, Hayes, Jackson, Johnson P, Kaenrath, Keschl, Kinney, Knight, Libby A, Lockman, Long, MacDonald S, Maker, Malaby, Marean, Marks, McClellan, McElwee, McGowan, McLean, Moriarty, Morrison, Nadeau A, Nelson, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Peoples, Peterson, Plante, Pouliot, Reed, Sanderson, Saucier, Saxton, Shaw, Short, Sirocki, Stanley, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Black, Devin, Goode, Johnson D, Noon, Pringle.

Yes, 60; No, 85; Absent, 6; Excused, 0.

60 having voted in the affirmative and 85 voted in the negative, with 6 being absent, and accordingly the Minority **Ought to Pass** Report was **NOT ACCEPTED**.

Subsequently, on motion of Representative BERRY of Bowdoinham, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

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

Six Members of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-440)** on Bill "An Act To Standardize and Simplify the Process for Employers To Provide a Drug-free Workplace"

(S.P. 664) (L.D. 1669)

Signed:

Senator:

CUSHING of Penobscot

Representatives:

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

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

Signed:

Senator:

PATRICK of Oxford

Representatives:

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

Came from the Senate with Report "A" **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-440) AS AMENDED BY SENATE AMENDMENT "B" (S-485)** thereto.

READ.

Representative HERBIG of Belfast moved that the House **ACCEPT** Report "B" **Ought Not to Pass**.

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

Representative **HERBIG**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. I rise in opposition to LD 1669 because it is bad for Maine workers and Maine businesses. LD 1669 is a mandate on Maine businesses. Current law already allows employers to develop drug-testing policies that are tailored to their business; however, under LD 1669, employers will be forced to adopt a "one size fits all" government policy. This makes no sense. The safety concerns involved in operating heavy machinery are very different than the safety concerns related to answering phones. It makes sense that the drug testing policy for a mill would be different than the policy for a call center. Businesses should be allowed to craft policies that fit their needs. Additionally, LD 1669 undermines every working Mainer's right to privacy. Under the guise of probable cause, LD 1669 would allow an employer to drug test an employee for almost no reason at all. The bill guts the probable cause standard and turns all employees into permanent suspects. Under 1669, an employer could force an employee to submit to a drug test for a single work-related accident but does not say what that means. If I spill a glass of water on my computer in the office, should I be forced to submit to a drug test? Lastly, LD 1669 cuts treatment programs at a time when they are most needed. It is indisputable that more and more Mainers are suffering from drug addiction. At the same time, we are witnessing cuts to state funded treatment programs. LD 1669 would eliminate private sector treatment programs as well. We cannot turn our backs on Mainers suffering from addiction and expect addiction to go away, nor can we expect that drug testing hardworking Mainers at random will somehow reduce illicit drug use. It will not. LD 1669 only ensures that Mainers who have done nothing wrong will give up their privacy and Mainers who need help will not find it. I urge you to support the pending motion.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ACCEPT** Report "B" **Ought Not to Pass**.

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'm not going to speak long on this subject, but the Representative from Belfast is correct. Employers, right now, are entitled to make their own drug testing policies. Those, however, have to be sent for approval to the Department of Labor. The testimony we heard in our committee is that that process is extremely onerous and extremely expensive. In fact, the most compelling testimony, which we heard, came from the Maine Hospital Association, which unfortunately did not submit written testimony. The testimony was extremely compelling, however, because I don't know how many of you remember back in New Hampshire there was a nurse, I believe, a medical professional, who had access to needles, who worked at a hospital in New Hampshire. This person was positive for, I believe, it was Hepatitis C. I believe it was a nail. He stole needles from his worksite, used them and then actually replaced them. He used them to take intravenous drugs, and then he actually put them back and then they were used on patients. Many patients became sick and died. This is a very dangerous thing that we're looking at here because you've got what the Maine Hospital Association testified to us in committee, is that most hospitals in the State of Maine do not

have random drug testing for their employees. We know that Maine has one of the highest percentages of people who abuse prescription drugs. I think that that is pretty compelling to know that hospitals that have access to lab facilities, and probably collectively employ the most number of people in the state, are not randomly drug testing their employees. There are, I believe, a couple of hospitals that do, but the testimony we heard is that most of them don't. Why is that? Because the process is too onerous and too expensive.

Back in the 125th Legislature, we looked at this issue and, unfortunately, by the time it was reported back to us, it was a carryover bill, by the time it was reported back to us, in the second year of session, we didn't have time to feel that we could really complete the work properly to pass a new drug testing policy and to get that legislation through. So we formed another study committee. They came back in the 126th Legislature and the same process was repeated again. This was an attempt by the Department of Labor to go ahead and put together a task force that would develop a model policy that employers could very easily then adopt. They would understand that this is something that has already been preapproved by the Department of Labor, so that they wouldn't have to develop it from square one themselves. These are businesses that don't know how to begin to develop. They'd have to hire somebody to do it. Then they have to put it all together, make sure it complies with federal law, state law, send it to the Department of Labor for approval. We heard from many, many businesses saying, "I would love to be able to do this, but I haven't been able to because the process is too onerous." I would ask that you would follow my light and oppose the pending motion. Thank you.

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

Representative **CHIPMAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this bill in support of the pending motion. This bill essentially allows an employer to drug test an employee for no reason at all. There is three reasons why I oppose this bill. One, it significantly lowers the threshold for employee drug testing to a single work-related accident which is not defined. Secondly, it removes employer input by forcing employers who want to do drug testing to adopt a "one size fits all" Department of Labor policy. And, three, it eliminates employee assistance programs which help employees with substance abuse problems access treatment. With rising addiction problems here in the state, we should not be eliminating treatment options. Thank you.

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 also do not like this bill. I'd ask that you support the Ought Not to Pass. I don't see how the state can go around to businesses and say you have to adopt this policy. It's like big brother looking down at businesses. It's just not right for one thing. That being said, I come from an industry of transportation where drug testing is mandatory and I totally support that. I would not want to be involved in going to work with others that might be impaired, certainly. And in my industry, you know, right now, 50 percent of the employees are drug tested on a random basis yearly and we also get drug tested at our physical yearly. So I can't see having some other policy put into place that would be better than what the industry thinks is acceptable. I think the businesses know exactly what they need to do better than the state might be able to mandate them to do through a single one-policy situation. So I think what we have now is better than what is proposed in this bill. I certainly would ask that you support the Ought Not to Pass. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **McGOWAN**: Would this bill simplify the process for drug testing for the Members of the House of Representatives in Maine?

The SPEAKER: The Representative from York, Representative McGowan, has posed a question through the Chair to anyone who may care to respond.

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

ROLL CALL NO. 627

YEA - Beaudoin, Beavers, Beck, Boland, Bolduc, Briggs, Brooks, Campbell J, Carey, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Dickerson, Dill, Dion, Dorney, Dunphy, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Graham, Grant, Harlow, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby A, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Peterson, Plante, Powers, Priest, 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, Beaulieu, Bennett, Campbell R, Casavant, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Doak, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, Hayes, Jackson, Johnson P, Keschl, Kinney, Knight, Lockman, Long, MacDonald S, Maker, Malaby, Marean, Mason, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Peoples, Pouliot, Reed, Sanderson, Sirocki, Timberlake, Turner, Volk, Wallace, Weaver, Willette, Winchenbach, Winsor, Wood.

ABSENT - Berry, Black, Devin, Goode, Hamann, Johnson D, Noon, Pringle.

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 Report "B" **Ought Not to Pass** was **ACCEPTED** in **NON-CONCURRENCE** and sent for 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.

Bill "An Act Regarding Wet Storage Sites for Cultured Marine Organisms"

(H.P. 1175) (L.D. 1603)

- In House, Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **MARINE RESOURCES READ** and **ACCEPTED** on March 31, 2014.

- In Senate, Minority (5) **OUGHT TO PASS AS AMENDED** Report of the Committee on **MARINE RESOURCES READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS**

AMENDED BY COMMITTEE AMENDMENT "A" (H-768) in **NON-CONCURRENCE**.
TABLED - April 2, 2014 (Till Later Today) by Representative BERRY of Bowdoinham.
PENDING - **FURTHER CONSIDERATION**.
Subsequently, the House voted to **INSIST**.

Bill "An Act Requiring a Dynamic Fiscal Analysis of Changes to Visual Media Production Tax Credits and Reimbursements" (EMERGENCY)
(H.P. 1338) (L.D. 1853)
(Committee on **TAXATION** suggested)
TABLED - April 2, 2014 (Till Later Today) by Representative BERRY of Bowdoinham.
PENDING - **REFERENCE**.
Subsequently, the Bill was **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, ordered printed and sent for concurrence.

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-785)** - Committee on **TAXATION** on Bill "An Act To Provide Property Tax Relief to Maine Residents"
(H.P. 1257) (L.D. 1751)
TABLED - April 2, 2014 (Till Later Today) by Representative WILLETTE of Mapleton.
PENDING - **ACCEPTANCE OF COMMITTEE REPORT**.
Subsequently, the Unanimous Committee Report was **ACCEPTED**.
The Bill was **READ ONCE**. **Committee Amendment "A" (H-785)** 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-785)** and sent for concurrence.

CONSENT CALENDAR
First Day
In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:
(S.P. 579) (L.D. 1532) Bill "An Act To Provide Model Language for Standard Sewer District Charters" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-481)**
(S.P. 703) (L.D. 1769) Bill "An Act To Implement the Recommendations of the Report Defining Cost Responsibility for Deaf and Hard-of-hearing Students Receiving Services from the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-479)**
(S.P. 710) (L.D. 1784) Bill "An Act To Reform Regulation of Consumer-owned Water Utilities" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-484)**
(S.P. 731) (L.D. 1825) Bill "An Act To Assist Electric Utility Ratepayers" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-482)**
Under suspension of the rules, Second Day Consent Calendar notification was given.
There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED as Amended** in concurrence.

ENACTORS
Mandate
An Act To Establish Guidelines for the Stocking and Administration of Epinephrine Autoinjectors in Schools
(H.P. 1235) (L.D. 1727)
(C. "A" H-779)
Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 124 voted in favor of the same and 16 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts
An Act To Conform Licensing Requirements for Real Estate Appraisers with Federal Law
(S.P. 685) (L.D. 1724)
(C. "A" S-476)
An Act To Cancel the No-bid Alexander Group Contract To Produce Savings in Fiscal Year 2013-14
(H.P. 1286) (L.D. 1794)
(C. "A" H-684; H. "A" H-760)
An Act To Protect the Public from Mosquito-borne Diseases
(H.P. 1299) (L.D. 1808)
(C. "A" H-780)
An Act To Increase Employment Opportunities for Veterans
(S.P. 735) (L.D. 1832)
(C. "A" S-477)
Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Remove Medical and Dental Expenses from the Itemized Deduction Cap
(H.P. 1287) (L.D. 1795)
(C. "A" H-767)
Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.
On motion of Representative KNIGHT of Livermore Falls, was **SET ASIDE**.
The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.
More than one-fifth of the members present expressed a desire for a roll call which was ordered.
The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Enacted. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 628

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Bennett, Boland, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Clark, Cooper, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, DeChant, Dickerson, Dill, Dion, Doak, Dorney, Dunphy, Duprey, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Graham, Grant, Guerin,

Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jackson, Johnson P, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby A, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Peoples, Peterson, Plante, Pouliot, Powers, Priest, 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 - Berry, Black, Devin, Goode, Johnson D, Noon, Pringle.

Yes, 144; No, 0; Absent, 7; Excused, 0.

144 having voted in the affirmative and 0 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.

An Act To Amend the Laws Governing Charitable Solicitations

(H.P. 1291) (L.D. 1799)
(C. "A" H-778)

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

On motion of Representative McCABE of Skowhegan, was **SET ASIDE**.

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

The House recessed until 2:00 p.m.

(After Recess)

The House was called to order by the Speaker.

REPORTS OF COMMITTEE
Divided Reports

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-786)** on Bill "An Act To Require the Department of Health and Human Services To Report Annually on Investigations and Prosecutions of False Claims Made under the MaineCare, Temporary Assistance for Needy Families and Food Supplement Programs" (EMERGENCY)

(H.P. 1317) (L.D. 1829)

Signed:
Senators:
CRAVEN of Androscoggin
LACHOWICZ of Kennebec

Representatives:
FARNSWORTH of Portland
CASSIDY of Lubec
DORNEY of Norridgewock
GATTINE of Westbrook
PETERSON of Rumford
STUCKEY of Portland

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

Signed:
Senator:
HAMPER of Oxford

Representatives:
MALABY of Hancock
McELWEE of Caribou
SANDERSON of Chelsea
SIROCKI of Scarborough

Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-786)** Report.

READ.

Representative FARNSWORTH of Portland 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 Westbrook, Representative Gattine.

Representative **GATTINE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of LD 1829. LD 1829 is a common sense measure that will truly help our state track, prevent, and detect fraud throughout all of our anti-poverty programs and in our Medicaid program. It is the right approach to improving the integrity of programs that help struggling Mainers get back on their feet again.

The purpose of this legislation is to ensure that the state's approach to managing public dollars in our human services programs is comprehensive and well coordinated. We have an obligation as stewards of public funds to make sure that public dollars are well managed, dispensed for the purpose for which they are allocated, and deliver the optimal value for the people and programs they support. The state, through the Department of Health and Human Services, manages multiple programs designed to deliver public benefit to Maine citizens and the integrity of each of those programs must be maintained through efforts that are comprehensive, fair, and based on facts.

Preventing and detecting fraudulent, abusive, and wasteful practices is an essential responsibility of Maine government. Fraud, waste and abuse have a negative impact on everyone involved in the system, including the recipients of services; the taxpayers who pay for them; and providers who work hard in partnership with the state to provide quality care. A failure to maintain program integrity undermines program functioning and diverts scarce and valuable resources from their mission. It can seriously diminish public trust in the ability to deliver taxpayer-funded assistance in an accountable and transparent manner.

If you look around the nation over the past twenty years the states that have lead the way in fighting fraud and abuse have looked beyond just traditional law enforcement and auditing activities. They take a comprehensive and broad view, focusing not only on payments that have already gone out the door but

also on front end activities, such as provider and member enrollment, system flaws and inconsistencies. They invest in smart technology that flags suspicious claims before they are paid and potentially unscrupulous providers before they are even enrolled. They use data to drive their decisions and they measure the effectiveness and return on investment just like any other well run business.

LD 1829 is an important step in bringing Maine in alignment with these best practices. It requires DHHS to assemble and report annually to the Legislature on all of its program integrity activities, including its overpayment recoveries, referrals to law enforcement, system issues and the work being undertaken by DHHS vendors. It looks not only at MaineCare, the largest of the State's benefit programs, but at TANF and Food Assistance, which are much smaller programs but still must be monitored to make sure they are spending allocated funds correctly.

This bill would shine the light on fraud and increase program integrity across the Department. It would give the Legislature on-going visibility into problems within the Department's claims payment and eligibility systems, the kinds of problems that have cost Maine taxpayers millions, such as the $29 million that the Department overpaid the long-term care providers for cost of care and the eligibility issue that resulted in over $10 million in overpayments for ineligible recipients in 2010. This bill would require the Department to proactively identify to the Legislature what problems have been identified and what the Department is doing to fix them.

The Department pays millions of dollars annually to outside vendors to support its program integrity activities and there are federal vendors that Washington requires us to work with. This bill would require the Department to report to the Legislature what these vendors are doing, how well they are performing and what value they add to fraud, waste and abuse activities. It would also require the Department to report on more traditional fraud, waste and abuse activities – how many audits and recovery actions has it initiated, how many dollars it has collected. Is it looking at a broad cross-section of providers or are some provider types not being reached by any audit activities? And, if not, why not?

What is the return on investment on these activities, especially on the provider audit side? On the member side are the resources adequate and is the taxpayers' investment resulting in appropriate sanctions. Ladies and Gentlemen of the House, Mr. Speaker, when it comes to fraud we need more than tough talk, stereotypes and anecdotes. My sense is that there are some things the Department is doing well and areas where it could do better. In any event, the taxpayers expect results and this bill will allow us to do our job as a Legislature by making sure we have the information that we can use to provide oversight and support to the Department's efforts. Thank you, Mr. Speaker.

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

Representative **GRAHAM**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the motion. Before us, we have a common sense measure to increase transparency and to deter fraud in our antipoverty and Medicaid programs. These programs are designed to help struggling Mainers get back on their feet again and to provide critical health care to our most vulnerable neighbors. If we truly want to see their integrity strengthened, we must have a comprehensive accounting of fraud, misuse and abuse, both for recipients and consumer fraud. We also need to see an accounting of how DHHS is managing its programs. In 2012, lawmakers provided the Department with an additional $700,000 per year in additional funds to fight fraud, yet only 13 people have been convicted and few recipient fraud cases have been referred to the Attorney General for prosecution. We need to understand how that money is being used to fight fraud. During the past year, we've routinely seen the Department in the news for mismanaging contracts and even for overpaying providers. This bill would provide greater transparency and hold the Department accountable for mismanagement. Taxpayers expect transparency and accountability in their government. This bill does exactly that. I urge you to join me in voting green today on this bill. Thank you, Mr. Speaker.

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

Representative **MALABY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. I do so despite the good intentions of this bill. This bill requires that the Department report annually on the program integrity efforts. Typically, program integrity efforts focus on fraud, overbilling, underbilling, and they do so in three primary areas, if you look at CMS. That would be in the area of pharmacy, in the area of providers, and in the area of beneficiaries. Frankly, the concept of formalizing the program integrity reporting mechanism is a very sound business principle, okay. I support the efforts of the Department to enhance accountability through rigorous program integrity efforts. However, the level of detail that this bill requires and the software and the subsequent technological improvements that would need to be made and the additional staff that would be required, I find it somewhat unjustifiable. The bill would cost $70,000 in general funds and another $70,000 in federal funds, and that is not a lot of money. I do, however, have better uses for it.

In addition, with 24 hours to consider this bill and another 20 minutes to consider the amended version that we have before you, we, on the committee, sounded somewhat difficult to give it the full vetting that it deserved. That being said, the Department regularly responds to requests to appear before the committee on a variety of issues of which program integrity is but one. We have a staff of 16. In fact, the Department regularly maintains a budget line item called "Recovery." During this year, fiscal '14, that line item is $23 million. I'll say that again. Now, we've heard about some issues associated with investigating beneficiary fraud. But to be honest, most of program integrity focuses on what's called provider issues. Those $23 million came from a variety of sources – settlements with drug companies for ostensibly illegal marketing efforts, overbilling and the overbilling that began in 2005 with a computer system termed MECMS, mistakes. It comes from a number of different areas. This is not the worst bill in the world. We did not have the right time to consider it. Frankly, if the Department has recovered, this year, $23 million, are we on the right track? Are we doing the right things? Have improvements been made? I think, indeed, they have. I think, indeed, they have, and, at some point, in the future, it may be appropriate to consider this bill in an amended version to invest in the technology. But, you know, we have a lot of people like waiting lists and while that's seemingly not germane, there may well be better places to spend our money. I thank you for your time.

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

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Frey.

Representative **FREY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today not only as a cosponsor of this bill but in support of LD 1829. The principle, Mr. Speaker, behind this bill is simple. Increased access to information leads to better, more accountable decision-making. Over the session, I've served on the Appropriations and Financial Affairs Committee and I can tell you firsthand that the greater the transparency, the greater the access to information, the better we are to have conversations about what is going on and holding programs and people accountable. A comprehensive of fraud, waste and abuse that are occurring in our safetynet programs would help us identify and address the perpetrators, both the recipients and the providers. The transparency would also shed light on program management at the Department of Health and Human Services which helping at least our committee understand how state resources are being managed by the Department. In fact, it is good that $23 million has been identified through program integrity purposes, but the point of this bill isn't just the recovery. It's what is going on that allowed us to get to that point. Without a comprehensive accounting, we're left with just a number, not how it got there and whether or not it could be greater. So, right now, the committee on which I serve is receiving piecemeal information about what is happening with state dollars. This leaves us vulnerable. It leaves us vulnerable to making decisions based on bad, incomplete information, which leads us to potentially making a bad situation worse. This is not a responsible way to legislate and we should expect better. So, Mr. Speaker, I ask that we all agree that we need a comprehensive accounting, a regular comprehensive accounting, and I urge support for this measure not just because it's good government but because good government, just like good decision-making, is based on good information. Thank you, Mr. Speaker.

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 agree with everything that the Representative from Bangor just said. We should have a system of information gathering that's comprehensive and cohesive and digs deep so we have all the information available. With that being said, though, this bill was brought before our committee with very little time to vet the broad reach of it. It is a huge endeavor and when the representative from the Department came before us, I mean there were a multitude of different systems that would have to be accessed in order to gather all the information in the bill. I just don't think there was enough time to fully understand what this meant, how it was going to be worked, how it would be implemented. I would encourage anybody who is coming back in the next session to resubmit this bill so we do have the time to work it properly. The Department would have to hire extra personnel. It was just not enough time to work a very broad bill that's a good idea, a good idea that we should do justice to. So I am opposed to the pending motion right now. Thank you.

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. This bill, to me, looks like sometimes that the Chief Executive officer of Maine would just love, all the accusations we've been hearing, everything about people doing things they shouldn't be doing. I think this bill would do the trick for the Chief Executive officer and give him all the answers and all of us the answers that we'd like to hear. 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 just would like to say that the good Representative from Newfield is correct. This information would be very valuable. The concern we have, or I have, is that we didn't have enough time to work this bill. It is a complex bill that needed much more time and thoughtful consideration and deliberation. Thank you.

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

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. 629

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

NAY - Ayotte, Beaulieu, Bennett, Campbell R, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, Jackson, Johnson P, Keschl, Kinney, Knight, 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, Willette, Winchenbach, Winsor.

ABSENT - Black, Devin, Goode, Johnson D, Noon, Pringle, Wilson.

Yes, 92; No, 52; Absent, 7; Excused, 0.

92 having voted in the affirmative and 52 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-786)** 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-786)** and sent for concurrence.

Seven Members of the Committee on **HEALTH AND HUMAN SERVICES** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-787)** on Bill "An Act To Increase Integrity in the Temporary Assistance for Needy Families Program through Restriction of Expenditures"

(H.P. 1312) (L.D. 1822)

Signed:
Senators:
CRAVEN of Androscoggin
LACHOWICZ of Kennebec

Representatives:
FARNSWORTH of Portland
CASSIDY of Lubec
DORNEY of Norridgewock
GATTINE of Westbrook
STUCKEY of Portland

Five Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-788)** on same Bill.

Signed:
Senator:
HAMPER of Oxford

Representatives:
MALABY of Hancock
McELWEE of Caribou
SANDERSON of Chelsea
SIROCKI of Scarborough

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "C" (H-789)** on same Bill.

Signed:
Representative:
PETERSON of Rumford

Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-787)**.

READ.

Representative FARNSWORTH of Portland moved that the House **ACCEPT** Report "A" **Ought to Pass as Amended**.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass as Amended**.

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 Westbrook, Representative Gattine.

Representative **GATTINE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of the pending motion. This bill is about TANF. We'll probably talk a lot about TANF today. TANF is a critical part of the safetynet designed to give low-income people temporary support while they get back on their feet. A lot of different services are available, but it also includes a little bit of cash support. Most people on TANF are single moms with kids, people who are working hard trying to climb out of poverty, and, over the last few years, we've slashed this program. We've cut it; 12,000 fewer kids are on it today. We've cut the number of families on it in half. But even though Maine has slashed this program, we still have an obligation to make sure that this program is well managed and that the funds are spent to advance the purpose for which they are intended, and we need to encourage people to use the money for which it's intended. That's what the Majority Report before you does. So what the Majority Report does is it strengthens the program integrity of the TANF program. It adds to the list of prohibited establishments where TANF funds cannot be used on the EBT cards to include smoke shops. When we spoke about this bill in committee, the Department told us that its main goal here was education. The Majority Report requires the Department to undertake an education program, you know, they haven't done this in the past, but explain to people what the purpose of the program is, what the funds should be used for, and what the funds shouldn't be used for. It requires the Department to move forward with the effort to implement the tools we've already given them, make sure that they're doing the correct things to make sure that people can't use EBT cards with TANF benefits in the places where they're not supposed to. These measures that are already in place went into effect in July 2013. The Department has started the process of blocking transactions, hasn't finished that yet. This would add additional transactions or additional places, and what this bill would require is for the Department to complete that effort and report back to us how it's doing. So I would ask you all to support this report, its efforts to strengthen the program and make sure people understand what they should be using this money for, and making sure people can't use these cards in smoke shops. Thank you, Mr. Speaker.

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. The Department does have some tools, but they don't have one of the most important tools. They do not have the tool of prohibition. The good Representative from Westbrook is right. This is to benefit the children, the families with children, needy families with children. If there is anybody in this room who feels as though we should not prohibit money that is intended to be used for children to be purchasing tobacco products, alcohol products, lottery tickets or a ticket out of jail, I don't know who it is. I certainly don't.

The SPEAKER: Would the Representative defer? The Chair recognizes the Representative from Sanford, Representative Mastraccio.

Representative **MASTRACCIO**: Mr. Speaker, I think that the good Representative should address her remarks to the Chair.

On **POINT OF ORDER**, Representative MASTRACCIO of Sanford asked the Chair to remind Representative SANDERSON of Chelsea to address the Speaker and not turn to the rest of the House.

The SPEAKER: The Chair would remind all members to please address remarks through the Chair.

The Chair reminded Representative SANDERSON of Chelsea to address her comments toward the Speaker.

The SPEAKER: The Representative may proceed.

Representative **SANDERSON**: Thank you, sir. I don't know of anybody who would support that when we're supposed to be supporting the kids. This would give the Department the tools to do that. You cannot merely tell people, "You are not allowed to use this money to buy tobacco," and expect them to do it. I think they already know that. I think they already know we're not allowed to buy alcohol with this. You have to make it illegal or it's just a paper tiger with no teeth. Thank you, Mr. Speaker.

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

Representative **CAREY**: Mr. Speaker, this bill was referenced on March 18. Permission to pose a question through

the Chair to the Representative from Chelsea, the Representative from Hancock or the Representative from Scarborough?

The SPEAKER: The Representative may pose his question.

Representative **CAREY**: There was a previous concern that another bill referenced on March 18 didn't give the committee enough time to deliberate. Was there enough time to deliberate with this bill before it was referenced on that same day?

The SPEAKER: The Representative from Lewiston, Representative Carey, has posed a question through the Chair to the Representative from Chelsea, Representative Sanderson, the Representative from Scarborough, Representative Sirocki, or the Representative from Hancock, Representative Malaby.

Representative **SANDERSON**: Thank you, Mr. Speaker. I'd be happy to answer that question. I think this is much simpler than a broad review of all of our programs. This eliminates the use. It makes it illegal to use tax dollars to buy tobacco, alcohol, lottery tickets and bail, period. That's not hard to understand, and I think the effects of that and how that money will not be used on that can help the families support their children is much easier to understand than a broad review and how you implement a broad review of all of our departmental programs.

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

Representative **MALABY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In reference to the question from the gentleman, this bill was six sentences long. I could handle that in a day.

The SPEAKER: The Chair would remind all members to refrain from straying remarks outside of the motion before us. The motion is should the House Accept Report "A," Ought to Pass as Amended Report, and refrain remarks to the content of that bill.

The Chair reminded all members to stay as close as possible to the pending question.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative MacDonald.

Representative **MacDONALD**: Thank you, Mr. Speaker. I rise in opposition to this motion because I feel it doesn't give enough teeth to the bill that I was a primary sponsor on. LD 1822 was a simple bill that provided a law that would make it illegal to spend the money allocated for food on tobacco, liquor, gambling, or lotteries or bail. This money is supposed to be used to help the neediest of families with children by ensuring that the funds are used for their intended purposes, and it is in our purview in this Legislature to protect the integrity of the TANF benefit system. As the primary sponsor of this bill, there has been a lot of over zealousness of the press and some would categorize this legislation as an attack on the poor and that is so far astray from this bill that I am baffled by the intention on misrepresentation of the proposal. In my short tenure as a State Rep, I've only been the primary sponsor on three bills. I do not sign on for bills that I don't believe in 100 percent and LD 1822 is one of these bills. Many who sit here know me or my community and an attack on the poor or working poor by a Republican sponsored bill may be a good sound bite, but it is incorrect. When I speak to the people of my town about this bill to stop the spending of tax dollars on indulgent items like tobacco or alcohol or gaming, they all stand with me. It doesn't matter whether they are Democrat, Republican or Independent, and, to me, that says something. This bill simply makes it illegal to purchase these items. This bill protects the dollars that are used to feed hungry children and of all of the welfare reform bills of this session, this one is the easiest to implement. As a store clerk in Old Orchard Beach, every day I check identifications in order for people to purchase alcohol or cigarettes. It would be easy for any clerk at any store to prohibit the purchase of tobacco, liquor or lottery tickets. The state trusts employees like me, making $8 to $10 an hour, to enforce the current liquor and tobacco laws, and this bill, as it was proposed, 1822, would be no different. Talking with the people all over Maine and from the posts on my social media page, Maine people support this reform. Furthermore, I'm under no Pollyanna allusions that this will stop those who choose to break the law from continuing to do so, but this by no means has one iota of negative impact on those families that are spending their TANF benefits to feed their families. This bill protects those dollars from abuse and protects the integrity of the TANF program. I urge you to reject this motion and support the reform to support the integrity of the people, the poor, and the working poor who use these benefits as intended. Thank you, Mr. Speaker.

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

ROLL CALL NO. 630

YEA - Beaudoin, Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Graham, Grant, Hamann, Herbig, Hobbins, Hubbell, Jones, Jorgensen, 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, Peoples, Peterson, Plante, Powers, Priest, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saxton, Schneck, Shaw, Short, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Werts, Mr. Speaker.

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

ABSENT - Black, Devin, Goode, Johnson D, Noon, Pringle, Wilson.

Yes, 83; No, 61; Absent, 7; Excused, 0.

83 having voted in the affirmative and 61 voted in the negative, with 7 being absent, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-787)** was **READ** by the Clerk.

Representative McCABE of Skowhegan **PRESENTED House Amendment "A" (H-802)** to **Committee Amendment "A" (H-787)**, which was **READ** by the Clerk.

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

Representative **McCABE**: Thank you, Mr. Speaker. This amendment before us would prohibit funds from Temporary Assistance for Needy Families to be used for the purchase of tobacco and alcohol. No one wants to see these funds being used for such things as liquor and cigarettes. These things are meant for folks to be using this for rent, food, heat and other things. I present this House Amendment today as a way to move this issue forward, to reach out across the aisle, to seek some common ground and see if there's a willingness. I think today

this shows a willingness, a willingness on my part to move beyond my comfort level and move to a place where I hope others will join me in supporting this pending motion. Thank you.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-802)** to **Committee Amendment "A" (H-787)**.

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 Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. While I appreciate the prohibition being put back into the bill with this amendment, however, there has been something else that's very important removed, it's actual consequences for using moneys on these tobacco, alcohol, gambling, and lottery and bail. I mean there is absolutely almost no way for the Department to appropriately either suspend or disqualify or anything for anybody who might be abusing any benefits. So, again, we're talking about a paper tiger. It has no teeth. You make it illegal to use it, but there's really no consequence if you do. Thank you.

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

Representative **McCABE**: Thank you, Mr. Speaker. As I said before, this amendment before us actually moves me quite out of my comfort level. I brought this amendment forward yesterday afternoon. I spent some time meeting with the administration, with folks from the other side of the aisle, and there are consequences here. There are consequences here that I feel are more than appropriate. I think that they are humane. I think that they reach out. They provide education. And to hear the thoughts that there is no consequences, I just want to be clear, folks. The first offense in this amendment will be a warning and education. The second offense would be loss of benefits for six months. The third offense, loss of benefits for a year, okay? So I don't want us to pretend that we don't have a loss of benefit here and it's painful to hear that that's being suggested. 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 think the good Representative from Skowhegan is a little bit in error regarding his amendment. The first offense is a warning, the second offense is a disqualification that does not exceed three months, and the third and subsequent offense is a period of disqualifications for benefits that do not exceed six months. 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 appreciate the attempt by the good Representative from Skowhegan to make some movement on this process, however, my interpretation of the bill is that it adds really two things to what is really the Majority Report, which one is the reporting requirement asking the Department to go out and collect the data and report that data but within current rules of the Department of Health and Human Services. Within the current rules of the Department of Health and Human Services are rules if you violate the use of these benefits, and the current rule is, as I understand it and I certainly can stand corrected, but the first violation under the current rules of the Department, one-year suspension for the first violation, two years for the second violation of the abuse of the TANF benefit, and for the third offense permanent prohibition on use of the TANF benefits. So my interpretation of the amendment clearly demonstrates a departure from what is a very significant enforcement mechanism in terms of trying to create an incentive not to abuse these cards from a one-year to two-year to a permanent "three strikes and you're out" violation of the use of these cards. So the good Representative from Skowhegan's effort actually weakens those substantially from a rule for one year down to a letter in the mail, and so I mean if we really actually want to weaken our laws in regards to abuse of these TANF benefits, then you should support the amendment. I think, quite frankly, Maine people have spoken pretty loud and pretty clear that we have to have a system where we think that there is responsible use of these cards. There are people in Maine, and we know there are many people in Maine, that need these benefits, particularly women with single children. Whoever needs the benefits should receive these benefits, and what we seek to do is to harness those resources which we have, which are limited resources, and to try to get those to the people that are most in need. My understanding is there's at least, you know, roughly $14 million in abuse out there that the Chief Executive has identified and if we now want to weaken the penalties for abuse from one year of a first offense down to a letter in the mail, support the amendment. But I think that's entirely the wrong direction that the people of the State of Maine expect us to be removing on the issue of welfare reform and so I ask you to follow my light and not support the proposed amendment.

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

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

The SPEAKER: The Representative may pose his question.

Representative **McGOWAN**: Does anyone have any information other than the Chief Executive's figures that said that 99.8 percent of EBT cards are actually legitimately used? Thank you, Mr. Speaker.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. You know, I always say an apple over bread is better than none at all, but I guess this amendment reaches across the aisle but across the aisle don't want to reach back. So I guess we'll just have to go without them once again. Thank you.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Saucier.

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

The SPEAKER: The Representative may pose his question.

Representative **SAUCIER**: I would like to know how many violations have occurred where individuals have been actually sanctioned and prosecuted.

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

Representative **SANDERSON**: Thank you, Mr. Speaker. It's very difficult to prosecute something that which is not illegal at this time.

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. About 100 years ago when the modern welfare state started, the dialectical materialism first made its wages there and there were some dystopian authors who pondered a horrifying weltanschauung, but what this would resemble in the years to come. Thue, Orwell, and Huxley took pen to paper and talked about what this assault

upon human nature would lead to, and here we are today talking about basic safety nets. It seems to me that historically Huxley got it a little more right than Orwell did and that our pharmaceutical attempt to find soma is still in progress. But human beings are about more than materialism. They are more than about just safety nets. There is something corrosive about dependency…

The SPEAKER: Would the Representative defer? The Chair recognizes the Representative from Sanford, Representative Mastraccio.

Representative **MASTRACCIO**: Once again, I would ask that the Speaker remind the good Representative to speak through the Speaker.

On **POINT OF ORDER**, Representative MASTRACCIO of Sanford asked the Chair to remind Representative HARVELL of Farmington to address the Speaker and not turn to the rest of the House.

The SPEAKER: It is my responsibility that decorum is kept in this chamber and in this debate. If I feel it is not, I will ask the Representative to defer and will call on another speaker.

The Chair reminded Representative HARVELL of Farmington to address his comments toward the Speaker.

The SPEAKER: The Representative may proceed.

Representative **HARVELL**: The dependent nature of the welfare state is in fact an assault upon the human spirit because it basically breaks us down to materialism alone and we are not about just that. If one walks to Europe and looks at any village there and asks what was important to those people, and they look and they'll see a church, and one would say that the stoneworker that worked on the buttresses to the cathedral at Notre Dame was more than just about a safety net and dependency, but the modern welfare state strips him of that as well. The authors of the world, from serfdom's Tolstoy to Mark Twain's era of slavery, even to Dickens's writings in the Industrial Revolution, recognized that man is more than just about a series of dependencies.

The SPEAKER: Would the Representative defer? Why is the Representative from Freedom, Representative Jones, rising?

Representative **JONES**:To inquire of the Chair whether the current discussion is germane.

Representative JONES of Freedom asked the Chair to **RULE** if the remarks of Representative HARVELL of Farmington were germane to the pending question.

The SPEAKER: The Representative may proceed. The Chair rules that it is germane.

Subsequently, the Chair **RULED** that the remarks of Representative HARVELL of Farmington were germane to the pending question.

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

Representative **HARVELL**: One wonders what the opuses will be to the modern welfare state. Perhaps there will be a book on Section 8 housing or romance in the age of EBT cards. Materialism is not what we aspire to. It's not what we aspire to as human beings. Our spirits are about more than that and this is corrosive to that and it needs reform. One only needs to look at Europe and watch where this has left a basic human function which is reproduction. Reproductive rates are plummeting across the continent, so much so that the Danish government just released a video that one may go watch called "Do It for Denmark." In the futile system alone, the appetite of the welfare state knows no end. In the futile system alone, an individual is required to work merely 40 days for the futile lord. The rest of his time was on his own, but the modern welfare state requires 90 days to bring this dependency upon them. Over 100 years ago, Sitting Bull watched this government dependency in action and he talked about the liberty of the tribes and the freedom of the tribes, and he asked his members "Are you willing to give up your freedom for some hard-tack and bacon?" Now, someone might say, "What is your answer?" Well, I realize mine is a rarely revolutionary idea, but it involves liberty and dependency and responsibility.

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

Representative **PEASE**: Boy, how do you follow that? Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have first a comment and then a question I'd like to pose through the Chair. Last week, I was speaking to a member of this House who said that we shouldn't be looking at this and taking things away because it was people's right. I just want to know how do you earn the right to use an EBT card for bail, for cigarettes, for liquor and to travel out of state. How do you earn that right?

The SPEAKER: The Representative from Morrill, Representative Pease, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Dion.

Representative **DION**: Good afternoon, Mr. Speaker, Ladies and Gentlemen of the House, my good friends from across the aisle. I rise in support of this amendment because I think it makes good common sense. If we have an issue that we're trying to address, we would like to provide oversight and sanction to people who inappropriately use taxes from our common citizens for purposes that this body feels are inappropriate. It's been suggested by some of my colleagues that the punishment doesn't fit the crime or that we couldn't do anything because it wasn't a crime. I say to you things have to be proportional. My esteemed colleague in the far corner is an attorney, a good one, and I'm sure that when he stands before the bench he argues on behalf of his client for proportional punishment, that it shouldn't be excessive, that just law expects compliance and looks for compliance. To get there, we need to give individuals notice and that's the first step in my brother's proposal in the amendment is to give the individual notice, and then we move on to sanctions that look minor but you know they have real significant consequences on families that live in that circumstance. Let's set aside this bad person, all right? Let's set aside this person who's ripping you off and ripping me off and ripping off our neighbors. Heck, we want to hold him accountable because I'm sure the image is usually him. I hear of the idea of that deserving single mother, all right, so I'm sure the picture of the bad person is a myth. Set him aside. He could not have gotten the benefit unless he was the custodial parent. So there are children at risk. So I think we need to check our anger and frustration with that parent and reserve some compassion for the children who actually will be the ones who will suffer this consequence, all right. We will transfer the sins of their father to them. I just want you to be aware of that. Now, we're not really making it a crime with this amendment. We're making it an administrative violation and some would say, aghast – that's a word, by the way, my good friend from Farmington would use – aghast, it's not enough. But let me tell you something and I think my colleague in the corner would agree. Lawyers do very poorly in an administrative hearing. The level of facts needed to prove the case for the state is minimal. The standard of evidence is low. If I am retained to defend you in a criminal court, we may have a chance. If I am retained to defend you in an administrative hearing, we talk about what the consequence should look like, all right. We often do not prevail in an administrative hearing. The person that we're trying to hold in check is more likely to be held accountable in the type

of punishment proposed by this amendment, an administrative one, and punishment that's sure and swift is punishment that works. It doesn't have to be long, it has to be certain. And I can guarantee you if I had my druthers I would rather bring a party accountable in a civil environment quickly than to delay and sidestep and put off an inevitable in a criminal arena. Thank you, ladies and gentlemen.

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'm going to vote in favor of the pending motion, in favor of the proposed amendment by my colleague from Skowhegan. I'm going to do so because I believe what he's brought forward offers an opportunity for us to say on the record that this use of this particular source of safetynet money cannot be used for these items or these activities, and I think that's reasonable. These are our most vulnerable families. That's how they qualify for this assistance and in providing that assistance, we shouldn't allow that to be used on activities and items that exacerbate the vulnerability of those same families. So I support this change in the law. I also support the change in the consequences. When we change the rules, we should be willing to look at the consequences and see whether or not the standing consequences are in fact appropriate given the changes in the law that is being proposed, and I believe the changes and the consequences are reasonable and reflect those adjustments that we're making in terms of the prohibitions. We retain the opportunity once we adopt this particular change in the law to implement those changes and adjust the consequences in the future if our experience with that implementation suggests that those adjustments are reasonable. I think this is a reasonable approach that we should all welcome the opportunity to support. I ask you to give it considerable thought and recognize when you change the rules, you should be willing to change the consequences, at least at the initial implementation, and make adjustments over time. I believe that opportunity will exist if we support this proposed amendment. 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'm trying to put my words in a polite manner because we're abusing taxpayer dollars in my mind and we heard the good Representative from Portland say we want to hold them accountable. Well, yes, I do want to hold them accountable, for the misuse of funds is now called an administrative violation. I don't know if I call that administrative violation. I would call that inappropriate use of our funds known as close to stealing. A letter is not the right consequence for this crime. Sending someone a letter or a slap on the hand is not the right consequence for what you're asking of these people. I know that they're the most vulnerable. I know that they're the people that are hurting. But they need to use the funds right and if they know they're only going to get a slap on the hands because, trust me, people, they're no different than anybody else. If they think they can get away with it, they're no different than I would be. They're going to try it until they get the slap on the hand. I think it needs to be more than a slap on the hand. We need to do more than send them a letter. We need to send them a message and the best message needs to be you can't spend taxpayers' money inappropriately. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Sabattus, Representative Wood.

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

The SPEAKER: The Representative may pose his question.

Representative **WOOD**: When a person applies to TANF, are they given rules on how they can spend the money at the time of signing up for TANF?

The SPEAKER: The Representative from Sabattus, Representative Wood, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Mapleton, Representative Willette.

Representative **WILLETTE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. This amendment really takes the teeth out of enforcement for the Department. If I were to go in and rob a convenience store, I don't think I'd receive a warning letter from the state. I'd be having a conversation with the police officer and receiving a summons. Folks, breaking the law is breaking the law, and we need to make sure that the Department has the ability to enforce these laws and a letter is not a very effective enforcement mechanism. Thank you.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Chase.

Representative **CHASE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today to look at the life that I've lived and the people that have lived around me and I find it truly appalling, appalling, that we have to put into law the fact that people who get money for their families to feed their children are instead spending their money either on alcohol or smoking or bail or whatever else other than doing what was meant to do was to feed their children and their family. I think it's appalling that we have to pass a law to do that. But if it's that necessary, that necessary, that we have to pass a law that says reasonable people who have responsibility for a family shouldn't be spending their money that way, then we darn well better put into force a little more teeth and punishment for people that are doing that when it's against the law. They shouldn't be doing it anyway, even if it wasn't against the law. They should be taking that money and paying it on their families and regardless of whether it's taxpayer money or money they're earning, that's what their responsibility is. But if we need to pass a law to make them do it, then we better punish them for breaking the law as well as not feeding their families.

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

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

The SPEAKER: The Representative may pose his question.

Representative **McGOWAN**: I'm probably wandering into dangerous ground with my esteemed legally trained colleagues, but when I look at this, excluding bail, do we not have built into our Constitution that people are innocent until proven guilty?

The SPEAKER: The Representative from York, Representative McGowan, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Westbrook, Representative Gattine.

Representative **GATTINE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. You know, as I've sat here and listened to this, I think it's important to remind people that the TANF program has been under constant attack by this Chief Executive since he took office. When this administration came to power, there were 15,000 families on TANF and now there are under 8,000. This program has been cut almost in half. Over 12,000 children have lost benefits. So as child poverty in Maine has gone up, the number of children receiving our help has gone down and I think that's a sad legacy and it's something

we should all be ashamed about. So when confronted with a proposal like the one in front of us, that's the filter I view it through. We have an administration that has already used every tool at its disposal to harm poor Maine children. Why would we give it another…

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

Representative **FREDETTE**: Mr. Speaker, I appreciate the comments of the opinion in regards to what the Chief Executive has done or hasn't done for the past three years, but whether or not that's germane to the bill, I would raise that as a Point of Order, Mr. Speaker.

On **POINT OF ORDER,** Representative FREDETTE of Newport asked the Chair if the remarks of Representative GATTINE of Westbrook were germane to the pending question.

The SPEAKER: The Chair would answer that could be potentially germane, but I would remind all members around questioning other's intentions or motives in prior pieces of legislation or this one.

The Chair reminded all members to stay as close as possible to the pending question and that it was inappropriate to question the motives of other members of the House or to refer to the potential action of the office of the executive or the other body in order to influence the vote of the House.

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

Representative **GATTINE**: Thank you, Mr. Speaker. I'll move on, thank you. So this conversation about the sanctions, I think, is one that's important and, frankly again, it's concerning to me. When we had our committee meeting last week, representatives from the Executive's office were there and representatives from the Department were there, and they were very clear to us that their primary goal here was one of education. So while frankly I'm not going to support the amendment, I appreciate the part of the amendment that has different kinds of sanctions and I think it's important that that's what we were told is the Executive's intent as it's going to move forward. So while I may agree, and I do agree, that there are some items that should not be purchased with EBT cards, I am not going to give the Executive or the Department the power and the authority to throw someone off of this program for a year for buying a pack of cigarettes or a couple of scratch tickets. I don't think that's fair and I don't think it's reasonable and I don't think it's something that this body should support. Thank you, Mr. Speaker.

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

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

The SPEAKER: The Representative may pose his question.

Representative **HICKMAN**: Thank you. Do we have any data of any kind on any families or individuals who have used their TANF benefits to post bail?

The SPEAKER: The Representative from Winthrop, Representative Hickman, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Standish, Representative Shaw.

Representative **SHAW**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I don't know if it's going to be in the form of a question, but looking at the floor amendment that we have in front of us, it looks like we're going to prohibit people on TANF from using the benefits to buy tobacco, liquor, gaming activities, lottery tickets and bail, and I agree with that. We also heard from the good Representative from Newport that there are, right now, pretty severe penalties for misusing TANF funds, a year for the first violation, and that's totally appropriate, in my opinion, for a lot of offenses, such as we heard in some of the data from the committee that there were people using the cash card to take cash out in California, in Los Angeles, on the first of the month, for months and months in a row. That's an obvious misuse of the funds and they should be kicked off the program indefinitely. But the reality is if someone in the state, and I totally disagree with using it, they make a mistake and buy a pack of cigarettes with their TANF card while they're at the store and they don't realize they need to give the cash to the person instead of a card or whatever the reason is, do we really need to cut them off for a whole year? I think the warning and the three-month penalty is fairly good in regards to these products. This floor amendment does not remove the year, removal of your benefits for all the other offenses that you might have under this program. If you read, in section 11, paragraph B., it says, "An eligible recipient of cash assistance from the TANF program who knowingly makes a prohibited purchase in violation of paragraph A is subject to the following penalties:" and that's buying tobacco, liquor, gaming, lottery or bail. The fact of the matter remains that if you make any other violation of your TANF benefits, you can still lose those benefits for the year, two years, and then indefinitely. So there has to be a distinction made here and people have to realize, I think, that there is that distinction with this floor amendment. So I don't know if there was confusion around that, but we're not eliminating the yearlong for the first offense, the two years for the second offense, and the indefinite penalties for misuse of TANF benefits here. We're just stipulating that if you use it for these purposes, you lose it for, you get the letter, then you get three months and then six months. So just my own little take on House Amendment "A." Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Limington, Representative Kinney.

Representative **KINNEY**: Thank you, Mr. Speaker, and to answer the question from the good Representative from Winthrop, yes, sir, I have had a Maine resident in my house, in my kitchen, who has stated while working at the police department in the City of Westbrook people have come in, used the card, put it in the ATM machine in the police department and posted bail. 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. A couple of things that might be helpful because I've had some questions posed to me just by notes. An EBT card is short for an Electronic Benefit Transfer card and on that card, multiple benefits may be loaded. So that TANF cash benefits – TANF stands for Temporary Assistance for Needy Families – and the SNAP benefits which were formerly food stamp benefits, which SNAP stands for Supplemental Nutritional Assistance Program, so multiple benefits can be loaded onto one card. We're dealing just with the TANF benefits, the cash benefits that are designed to provide temporary assistance for needy families. It also may be of interest to note that according to this document I have here, prior to September 1, a violation was 6 months for the first violation, 12 months for the second, and permanently for the third violation. Then on September 1, 1997, since that time, apparently in the State of Maine the violations have been 1 year for the first violation, 2 years for the second, and permanently for the third. Thank you.

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

Representative **FREDETTE**: Thank you, Mr. Speaker, and I apologize for rising a second time, but I just want to reiterate and actually want to respond to the comments from the good Representative from Portland, Representative Dion, in that I agree with some of his assertions in which we, as attorneys, often times, will go before a judge and we will make arguments about what a proper sentence should be in regards to someone who has violated the law. That's something that we do. The other thing that we rely upon, in terms of the criminal process, is this thing called prosecutorial discretion and what that means is there are times, for example, when a prosecutor chooses not to prosecute a case. I, for example, one time, had a case where a fellow who had a moose permit, the moose was 300 yards out into the field, shot at the moose. There were two moose standing beside each other and the bullet actually struck and killed two moose. That is, in fact, a clear violation of the law when you have a license to kill just one moose, and, in fact, this person got a summons for violating the law and the penalty is fairly stiff, believe it or not, for exceeding the bag limit when you kill a moose. So, at the end of the day, in explaining what happened to the prosecutor, that this was not a willful act of someone going out on two separate days or two separate times on a given day and intentionally shooting two moose. This was simply someone who, you know, break of dawn, saw a moose out in the field, laid down, shot a shot, and it just so happened that two moose died. That prosecutor decided not to prosecute that case and that's called discretion. Now, the reality is, is that the Department already has that same discretion. The Department, in choosing when people violate the rules, the Department can choose not to impose a penalty and I would submit there is probably times when they have certainly done that. So it seems clear to me, the Legislature, back in 1997, in fact, strengthened the penalties. They strengthened the penalties that the Department could impose for abuse of these cards. That was the determination that they made 15 years ago. So this bill, be very clear, if you are voting in favor of this amendment, you are voting in favor of weakening those penalties. Instead of a person having the discretion of whether or not to impose a 1-year sanction, the violation instead of a 1-year sanction will be a letter in the mail. So let's just say, theoretically, somebody says, "Geez, you know, I'm aware if you just violate this card once, the most that happens to you is you get a letter in the mail." Well, so, I mean, you pick and choose. I am going to pick to choose to maybe take the cash off the card this year because I need some money to go on a trip or maybe to buy item X or item B, and the penalty, you know the penalty. They're going to get a letter in the mail. That's the penalty. This bill fundamentally, substantially reduces the penalty for the abuse of taxpayer dollars on EBT cards. This amendment does that. So let's be very clear about that. In voting for this bill, this amendment, you are reducing, quite frankly, at the worst case scenario, under this amendment, a loss of benefits for no longer than 6 months, that's the worst that can happen to you, versus an enhancement in these penalties back in 1997 so that they actually meant something, and it allowed the Department to use the discretion when they would choose to impose such a penalty. So I would submit to the body today, when you vote on this bill, this amendment to this bill, if you want to lessen those penalties, you want first time offenders who abuse these cards to get a letter in the mail, you should vote for this amendment. But, quite frankly, I think that's the wrong direction, that the people of the State of Maine expect us to be moving on fraud and abuse in welfare in the State of Maine and I ask you to follow my light.

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

Representative **DION**: Mr. Speaker, and I apologize to the members of the House for rising a second time. I have to go on the record. I have no experience with moose, none, whatsoever. That's right, I don't want to look at Representative Weaver. It's unsettling to him. I apologize. You've thrown me off my game now, Representative Weaver. I don't know why I yearn to look at the gentleman, but I do. Nonetheless, in a more serious tone for a moment, I want to make clear to this House that we are throwing about this idea of being found guilty or a penalty or it's too hard, it's too soft, it's too short. You know, I'm sure that my good friend in the corner would also agree that any administrative violation is easier to prove if you are the prosecutor. I'm glad to hear that there's prosecutorial discretion. I'm not sure that we assign such a thing to hearing officers in the DHHS, but I want you to be clear as to who the penalized party is. It's not Frank or Joey or Stevie or Sam who got the 12-pack and the smokes, who got the scratch ticket and jumped in the four-wheeler. He got tagged, he got the paperwork, he's going to show up at the hearing, he'll have some story that none of us are going to buy, he'll be adjudicated as responsible and his kids will go hungry. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **HICKMAN**: Thank you. Would it be fair to say then that we have anecdotal evidence, but we don't have any data about how many families have actually used their TANF benefit to post bail?

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

Representative **SANDERSON**: If you look for the answer, I guess all you have to do is look on the spreadsheet with the TANF transactions over a three-year period. There's an address. It's called 570 Maine Street, Westbrook, Maine. That's an ATM inside the Westbrook Police Department.

The SPEAKER: The Chair recognizes the Representative from Boothbay, Representative MacDonald.

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

The SPEAKER: The Representative may pose his question.

Representative **MacDONALD**: I am not on DHHS, but I've heard that some $700,000 in investigative money lies unused in DHHS and that more than a dozen investigators have been added to their force over the last couple of years. Are both of those statements true and is it true that despite that money and despite those who have investigative force, still do not have any data on the actual occurrence of fraud in these programs?

The SPEAKER: The Representative from Boothbay, Representative MacDonald, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Westbrook, Representative Gattine.

Representative **GATTINE**: Mr. Speaker, thank you. I propose to answer the question from the Representative from Boothbay. My understanding is that $700,000 were appropriated for resources for DHHS for its Fraud Investigation Unit. Since that period of time, there has not been an increase in the number of convictions and in fiscal year 2012, the restitution order, with respect to recipient fraud, was $104,000. Thank you.

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 hate to disagree with my good friend from Newport, Representative Fredette, and I know he is an attorney. He's probably better at reading these things than I am. But I made reference to paragraph B in the amendment and it says that the letter, the three months suspension, whatnot, would only be used for these violations: buying tobacco, liquor, gaming, lotteries and bail. All other violations would still revert back to the 1997 penalties under current practices. So if people misuse their benefits in such a way that the good Representative stated, they would be subject to the year, the 2 years and then permanent displacement from the program. It's only if you buy these products that you would fall under this penalty structure. All other misuse would be subject to the 1997 enhanced penalties. I just want to make sure everybody is clear on that. Thank you very much.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-802) to Committee Amendment "A" (H-787). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 631

YEA - Beck, Berry, Briggs, Campbell J, Chenette, Cooper, Dill, Fowle, Graham, Hayes, Hobbins, Jones, Kaenrath, Kumiega, Kusiak, Luchini, MacDonald S, Mason, Mastraccio, McCabe, McLean, Moriarty, Nadeau C, Powers, Saucier, Saxton, Shaw, Short, Stanley, Theriault, Villa, Werts, Mr. Speaker.

NAY - Ayotte, Beaudoin, Beaulieu, Beavers, Bennett, Boland, Bolduc, Brooks, Campbell R, Carey, Casavant, Cassidy, Chapman, Chase, Chipman, Clark, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, DeChant, Dickerson, Dion, Doak, Dorney, Dunphy, Duprey, Espling, Evangelos, Farnsworth, Fitzpatrick, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Grant, Guerin, Hamann, Harlow, Harvell, Herbig, Hickman, Hubbell, Jackson, Johnson P, Jorgensen, Kent, Keschl, Kinney, Knight, Kornfield, Kruger, Lajoie, Libby A, Libby N, Lockman, Long, Longstaff, MacDonald W, Maker, Malaby, Marean, Marks, McClellan, McElwee, McGowan, Monaghan-Derrig, Moonen, Morrison, Nadeau A, Nelson, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Peoples, Peterson, Plante, Pouliot, Priest, Rankin, Reed, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Schneck, Sirocki, Stuckey, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Verow, Volk, Wallace, Weaver, Welsh, Willette, Winchenbach, Winsor, Wood.

ABSENT - Black, Devin, Goode, Johnson D, Noon, Pringle, Wilson.

Yes, 33; No, 111; Absent, 7; Excused, 0.

33 having voted in the affirmative and 111 voted in the negative, with 7 being absent, and accordingly **House Amendment "A" (H-802)** to **Committee Amendment "A" (H-787)** was **NOT ADOPTED**.

Representative RUSSELL of Portland **PRESENTED House Amendment "B" (H-803)** to **Committee Amendment "A" (H-787)**, which was **READ** by the Clerk.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. This is not going to be a speech that wins me friends or influences people, but I do think it's important. Today, we've spent a lot of time interrupting each other. We've spent a lot of time on parliamentary procedure. It's unfortunate, but it's a very real symptom of a set of issues that have become ideological in nature. A lot of our debate today has centered around which side of the aisle can punish TANF recipients more. It's not why I rise today, Mr. Speaker. I rise today frustrated by the ideological debate happening overhead. I rise today, Mr. Speaker, hoping to present a genuine, constructive, proposal for your consideration. My proposal, the amendment I present to you today, Mr. Speaker, acknowledges and validates the beliefs of countless people across this state, and across the political spectrum, that TANF funds should not be used to purchase alcohol, tobacco or gaming products. I have been reminded that this is a toxic, inappropriate belief for someone who represents a liberal district like I do. I challenge anyone, and I mean anyone, to fight my record of defending working families. I will stand by my record and I stand by this proposal. As many of you know, I have worked behind the counter for years and part of my job was to process EBT transactions. Some of those transactions were for food stamps; other transactions were for TANF benefits. As the cashier, I push, number one, for food stamps and, number two, for "cash," also known as the TANF benefits. Most consumers who use EBT cards know what they can and cannot use their benefits on. In instances where they are wrong, I simply inform them that that doesn't work and ask for an alternative payment method. It's not really a big deal. Now, the occasional BLT confuses people. Food stamps cannot be used to purchase hot food and bacon tends to be hot. The vast majority of people, probably 99 percent, know the rules and they happily abide by them. But I have to tell you that when I was living on $8 an hour, I was barely making ends meet. Actually, I was drowning. There were days when the Italian I made myself was the only meal I ate that day. So when someone would come up to me to purchase a pack of smokes or a beer on the cash side, the TANF side of their EBT card, I have a visceral response, Mr. Speaker. Did it happen often? No. But did it make my blood boil when it did? Yes. If I feel this way, as the so-called poster child of the progressive movement, so to speak, how do everyday Mainers feel? In my mind, this issue has been way overblown, but the kernel of truth is still a kernel of truth. So retailers are already responsible for managing, at the point of sale, what can and cannot be accepted as a payment method, what can and cannot be sold using an EBT card. This was part of my job every day I worked. I needed to know what I could process on an EBT card and which side of the EBT card, whether it was food stamps or TANF funds. This is not anything new. It's just part of the responsibility of accepting EBT cards and I can say from experience that it's not really that big of a deal. It's not rocket science. So the amendment before you, Mr. Speaker, prohibits retailers from accepting EBT TANF benefits to purchase tobacco, alcohol or gaming products. Now, Albert Einstein didn't like quantum physics because it was too complicated. He believed that the universe was filled with simple solutions and that, generally speaking, the best solutions were the simplest solutions. This is as simple of a solution as it is transformative. Let's just stop the sale at the point of sale. Instead of arguing about who is going to punish people more, let's just have a conversation. "Hey, sorry. I can't accept that form of payment. Do you have another?" Not rocket science or quantum physics. Are people going to be upset that a recipient can walk over to an ATM machine, take out money and buy these products? Sure. If those folks want to chase needles in a haystack, by all means, allow me to get out of the way, Mr. Speaker. This proposal is designed to get to the heart of the issue in the most efficient means possible and also the most respectful. I thoroughly realize that I don't win friends today, but for Mainers across the state who really do want us to work together to find credible solutions, Mr. Speaker, I humbly submit this constructive proposal before you and the Ladies and Gentlemen of the House for consideration. If, however, this debate is entirely designed for campaign mailers and only campaign mailers, then may God

have mercy on us all because we will have failed the people of Maine. Thank you, Mr. Speaker.

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. The good Representative from Portland, Representative Russell, takes a fine stab at an attempt to try to resolve a complicated issue. However, while intended, I think the reality of maybe the unintended consequence of this amendment, should it pass, would be to, in fact, to now punish the small business owner who would be taking these benefits, putting the burden on the small business owner of the individual who is working in the corner store and trying to determine whether or not someone is or isn't getting the money from the proper source of funds and making sort of them to become the prosecutor, if they will, whether or not they should allow someone to buy something. So I think however well intended the amendment is, it really attacks the wrong person in the process. Instead of going after the individual who actually is committing the wrong, we actually go and punish and, under this amendment, we would be punishing someone who might be certainly more innocent in letting someone use these funds. So I mean isn't this really about the individual and the prohibitions that they have on what they can do and not putting the responsibility on someone else? Let's put it on the provider. Let's never put it on the individual. You know, I think many of these comments have been accurate from my friends on the other side of the aisle. Most of the people use these benefits in a responsible way. But for those that are violating the law and abusing these benefits, I think we can all reasonably agree there are some people that are not using these benefits appropriately. How does it make sense for us then to now penalize the small business owner, the corner store, for the wrongdoing of these individuals? It doesn't make any sense to me. I understand the simplicity of the amendment and I understand the offer to try to resolve it in a way, but I just think that this punishes the wrong person. I think when we're talking about welfare fraud and the concern that Maine voters have about welfare fraud and abuse, I don't think that they think about the small business owner who has a corner store in Wytopitlock and thinking that that person is the wrongdoer. The wrongdoer is the person that is abusing the benefit. That's the person that we should be seeking to find and to have them not do that anymore. That's simply what we're trying to do and I don't think that the amendment here really gets to that. I'd ask you to vote red and follow my light on this amendment. 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. One thing that I think we all agree is that we all have a shared responsibility. That's why we're here. We all have a shared responsibility for making sure that the citizens' money is expended for the purpose for which it was intended. I'll give you a few examples of the kind of shared responsibilities that we do in enforcing certain standards of conduct among our fellow citizens. If I'm a gun dealer and I sell a firearm to a felon, guess what, we're both in trouble. If I'm a drug dealer and I sell drugs to another citizen, guess what, we're both in trouble. If I'm a storeowner and I sell cigarettes to a minor, guess what, we're both in trouble. If I'm a storeowner and I see liquor to a minor, we're both in trouble. Similarly with lottery tickets. We have to realize that there is a responsibility by the provider and the end user. I'm a little disappointed that with the last amendment before us we had an opportunity to ink some level deal with the responsibility of the end user. That said the current legislation would make it easy to track these transactions, it is easy to implement, we already do this with food stamps, and it would deal with this problem which is probably more effectively as a preventive measure rather than a punitive measure. Mr. Speaker, Men and Women of the House, I would argue that we all share a responsibility for the misuse or for ensuring that public funds are properly expended and that we all share responsibility and that I think this amendment would help us all work together to achieve this goal. Thank you.

Representative McCABE of Skowhegan **REQUESTED** a roll call on the motion to **ADOPT House Amendment "B" (H-803)** to **Committee Amendment "A" (H-787)**.

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 Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. This amendment also removes any prohibition and it does put the onus, as the good Representative from Newport said, onto the storeowners. However, we're asking storeowners to enforce something that is not illegal. This is more than just about buying a pack of cigarettes. This is about real issues that are going on here in this state. This is about someone going to the Wonderland Smoke Shop in Warwick, Rhode Island and, within seconds, having two transactions, one right after the other, $160, $200, for $360 total. This is about Joe's Smoke Shop in Portland. Over the last three years, $55,000 worth of cash transactions in the ATM in that shop. This is about the Maine Smoke Shop. Over the last three years, $147,000 worth of cash transactions on EBT cards in Maine, over the last three years. In fact, there is one located in Waterville that just on 6/1/2012 had three transactions in less than two minutes, $200, $200, $160, a total of $560. This is not right. This money needs to be used for families. It does not need to be withdrawn in smoke shops. We need to have the proper tools available for the Department to enforce these kinds of new rules to make sure that this money is not abused in this way. Thank you.

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

Representative **CAREY**: Thank you, Mr. Speaker. Let's be clear when we talk about restricting the use. Penalties will restrict the use of EBT cards. It's not the wrongdoer, it's the child who doesn't get to eat. There is a lot of conversation in this chamber about data versus anecdote. I think this bill, this amendment, is brilliant in that. It goes to the source of those anecdotes and it will make sure the responsibility is on both parties. 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 rise to support this amendment. We actually had some testimony in the committee that suggested that there were storeowners who were encouraging people to use their cards for these kinds of things and I understand that it was not you could use these cards in various places until July. I actually think that this is a very good idea. Again, there is no punishment for the storeowners, but again, it's an educational piece. So if someone wanted to buy a lottery ticket and gave their EBT card, I think it would be very reasonable for the person to say at the store "I'm sorry, but you can't use that card for this purpose" and that would educate everyone and I think that's a good idea. Thank you.

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've been accused of a lot of things but brilliant is not usually one of them, so I thank the good Representative from Lewiston. I wanted to clarify a few things that I've heard. First, I want to be very clear. I've heard the word "wrongdoer." Under current law, there is no wrongdoer. There is nothing illegal. There is behavior that we may philosophically disagree with. I happen to be one of those people that disagree with that. But it's not illegal. This bill does actually prohibit the sales, so we're getting to that place. Again, under this amendment, there's no need to punish people, whether it's the storeowner or the individual who is making the purchase. I don't know why we always need to talk about punishment as the only way to get the outcome that we're seeking. This makes it a transaction. "Sorry, I can't take that payment method. Do you have a Visa or MasterCard?" The other thing, I'm confused because I keep hearing that we should not punish innocent business owners, but then we hear lists of businesses who seem to be part of the problem, so I'm a little confused about that. This is not about placing blame, it's about clarifying the rules, and to be clear, I heard that this is a huge burden on retailers. That's just not true. I think it's easy to assume that it would be true, but in practice it's just not. The reality is that we already do this with the EBT card. When someone comes to me and says, "I would like to use food stamps to purchase tobacco or a lottery ticket or alcohol," I already have to tell them "I'm sorry, that is not an appropriate use of that service." So we're already doing it with the EBT card. The question is whether or not when I push "1," I can't take that payment, but when I push "3" I can on the same card, so we're already doing this. We're already parsing this out. This isn't rocket science and, again, if folks are truly committed to getting to a middle ground where we can truly address some of the concerns that people have, this proposal is remarkably simple and yet remarkably effective, and if you haven't worked on the other end of the store, if you haven't processed those EBT cards, I can understand why this might seem a little confusing or that it wouldn't work. But if you've actually stood at the counter, it's not that hard, and this is the most practical, I mean practical solution possible and it gets us to a place where we can actually have an outcome. Again, I would say, Mr. Speaker, that if the intention of this debate is about campaigns and election season, then, you know what, vote against this. Seriously, just vote it down and we'll try again another year. But if this is about actually trying to find a pragmatic, rational, non-partisan, non-ideological solution, I would hope that you would follow my light and support this because this is not anything other than a girl who works at a store who processes EBT payments presenting one of the more practical solutions possible so that we can all go home and talk to our constituents about the values that we share, and that should be what the campaign is about, not about punishing people.

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. As the good Representative from Portland said, nothing is illegal, and isn't that the fundamental premise of why we're having this debate, because nothing is illegal? This bill and other bills are an attempt at reforming state government. It's an attempt at reforming our welfare system. The status quo is not something that we need to continue to mud along down the road. If you want the status quo, vote for this bill. If you want the individual not to suffer any violation or penalty for fraud and abuse of these cards, then vote for the status quo and vote for this amendment because this amendment does nothing to the individual. This amendment does not say you the individual are prohibited from doing this. It says you the member can't take the money. That's a protection of the status quo. Maine citizens are expecting this body to be good stewards of the taxpayer dollars. We need to reform this system. I believe that there is a consensus in this state to reform the system. A bill that puts the onerous upon the storeowner and not the individual is a protection of the status quo. There is no penalty under this amendment and there is no enforcement. This bill is a status quo amendment. It is time for us, as a body, to look at this system in a serious way, recognize that Maine citizens truly do believe that we need to reform our welfare system and take some action. So if you want to maintain the status quo, vote in favor of the good Representative from Portland's amendment. If you want true reform, then vote against it because I believe that there is more that can and should be done. Thank you, Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "B" (H-803) to Committee Amendment "A" (H-787). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 632

YEA - Beavers, Beck, Berry, Boland, Bolduc, Briggs, Carey, Chenette, Clark, Cooper, Dickerson, Dill, Dion, Dorney, Evangelos, Gilbert, Graham, Grant, Hamann, Hayes, Hubbell, Jones, Kaenrath, Kornfield, Kumiega, Kusiak, MacDonald S, MacDonald W, Mason, Mastraccio, Peterson, Priest, Rankin, Russell, Shaw, Theriault, Volk, Welsh.

NAY - Ayotte, Beaudoin, Beaulieu, Bennett, Brooks, Campbell J, Campbell R, Casavant, Cassidy, Chapman, Chase, Chipman, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, DeChant, Doak, Dunphy, Duprey, Espling, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gillway, Guerin, Harlow, Harvell, Herbig, Hickman, Hobbins, Jackson, Johnson P, Jorgensen, Kent, Keschl, Kinney, Knight, Kruger, Lajoie, Libby A, Libby N, Lockman, Long, Longstaff, Luchini, Maker, Malaby, Marean, Marks, McCabe, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Peoples, Plante, Pouliot, Powers, Reed, Rochelo, Rotundo, Rykerson, Sanborn, Sanderson, Saucier, Saxton, Schneck, Short, Sirocki, Stanley, Stuckey, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Verow, Villa, Wallace, Weaver, Werts, Willette, Winchenbach, Winsor, Wood, Mr. Speaker.

ABSENT - Black, Devin, Goode, Johnson D, Noon, Pringle, Wilson.

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

38 having voted in the affirmative and 106 voted in the negative, with 7 being absent, and accordingly **House Amendment "B" (H-803)** to **Committee Amendment "A" (H-787)** was **NOT ADOPTED**.

Representative FREDETTE of Newport **PRESENTED House Amendment "C" (H-805)** to **Committee Amendment "A" (H-787)**, which was **READ** by the Clerk.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "C" (H-805)** to **Committee Amendment "A" (H-787)**.

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 Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This amendment provides real reform for Mainers. It's reform that Mainers expect. It's reform that brings Maine into the 21st century, recognizing that we have a responsibility again to be good stewards of our

taxpayer dollars. In fact, this amendment is a bipartisan amendment. What this amendment does is it brings four ideas together in terms of a global welfare reform proposal. The first component of this amendment requires individuals receiving TANF benefits to do a job search. This is a requirement in 19 or 21 – I can't remember which it is – 19 or 21 other states, including Vermont and New York which are not the most conservative states in the country. This amendment also brings forward a requirement that we cannot use these TANF benefits out of state, and it provides for the prohibitions that we've talked about in this bill, and it also removes the exemptions under the requirement for individuals who are receiving the benefits in a dual income household to be out looking for work. In this particular part of the amendment, Maine is one of those states where we have not done well in that area. It is a federal requirement that 80 percent of your people that are on TANF be out looking for work. Maine is roughly at 15 to 20 percent and we are currently looking at a possible $13 million penalty from the federal government because of that. So this amendment encompasses elements of real reform all wrapped up into one neat little package. It also incorporates the good Representative Matt Peterson's additional prohibition that these benefits not be used at smoke shops. So, in fact, this amendment incorporates his idea into this amendment. Finally, this amendment also incorporates into it one of the parts which I understand the other side of the aisle had a real challenge with and that is that it also takes out of or does not include the Parents as Scholars program. So two important elements that I've heard from the other side of the aisle that they believe is important in terms of welfare reform proposals. Again, it does away with anything being done to the Parents as Scholars program and it incorporates Representative Peterson's smoke shop idea into as well. So, here, we have it. It's real reform all tied up into one package. It's our opportunity to show the people of Maine that we are willing to lead, it shows the people of Maine that we are willing to take the tough choices, and it shows the people of Maine that we are serious about protecting those that most need these benefits because this is not an attack on the poor. I have, at times, had comments being made about me when talking about these kinds of bills that I am attempting to vilify the poor. Well, let me tell you, Ladies and Gentlemen of the House, I know what it means to be poor. I know what it means to have grown up in Washington County and to be poor. So don't attack me or don't attack Republicans as saying this is an attempt to vilify the poor or that we don't like the poor. These are an attempt to, in fact, help the poor so that we can use the resources that we have, the taxpayer dollars, and get those benefits to the people that need them. If somebody abuses those benefits, even if it's a few, let's not let them continue to abuse the system. Let's let those resources be available to help those that are truly poor and needy. Let's show the people of Maine that we truly are willing to stand up for reform and I ask you to follow my light in supporting this amendment. Thank you, Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "C" (H-805) to Committee Amendment "A" (H-787). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 633

YEA - Ayotte, Beaulieu, Bennett, Campbell R, Casavant, Cassidy, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fowle, Fredette, Gifford, Gillway, Guerin, Harvell, Hayes, Jackson, Johnson P, Keschl, Kinney, Knight, Libby A, Libby N, Lockman, Long, MacDonald S, Maker, Malaby, Marean, Marks, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Pouliot, Reed, Sanderson, Shaw, Short, Sirocki, Theriault, Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Willette, Winchenbach, Winsor, Wood.

NAY - Beaudoin, Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Carey, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Frey, Gattine, Gideon, Gilbert, Grant, Hamann, Harlow, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Longstaff, Luchini, MacDonald W, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nelson, Peoples, Peterson, Plante, Priest, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Stanley, Stuckey, Tipping-Spitz, Treat, Welsh, Mr. Speaker.

ABSENT - Black, Devin, Goode, Graham, Johnson D, Kent, McClellan, Nadeau C, Noon, Powers, Pringle, Verow, Villa, Werts, Wilson.

Yes, 63; No, 73; Absent, 15; Excused, 0.

63 having voted in the affirmative and 73 voted in the negative, with 15 being absent, and accordingly **House Amendment "C" (H-805)** to **Committee Amendment "A" (H-787)** was **NOT ADOPTED**.

Subsequently, **Committee Amendment "A" (H-787)** was **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-787)** and sent for concurrence.

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

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Amend the Laws Governing the Temporary Assistance for Needy Families Program"

(H.P. 1324) (L.D. 1842)

Signed:
Senators:
CRAVEN of Androscoggin
LACHOWICZ of Kennebec

Representatives:
FARNSWORTH of Portland
CASSIDY of Lubec
DORNEY of Norridgewock
GATTINE of Westbrook
PETERSON of Rumford
STUCKEY of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-790)** on same Bill.

Signed:
Senator:
HAMPER of Oxford

Representatives:
MALABY of Hancock
McELWEE of Caribou

SANDERSON of Chelsea
SIROCKI of Scarborough

Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports the Majority **Ought Not to Pass** Report.

READ.

Representative FARNSWORTH of Portland moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative FREDETTE of Newport **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 Lubec, Representative Cassidy.

Representative **CASSIDY**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. I rise in support of the pending motion, Ought Not to Pass. Let me tell you about one very strong Washington County woman, Gretchen Neubelt, of Machias. She is a student at University of Maine at Machias, and maybe you have read about her: She was one of six Maine students profiled in the November issue of Working Waterfront, recommended by their professors as exceptional. She is the teaching assistant and tutor for UMM's Physiological Psychology class, and because of the professor's recent injury, she was given the task of facilitating the class on three occasions this semester. She has made the Dean's List the last four semesters. And for Gretchen's volunteer work in the community, UMM's president nominated her for the Heart and Soul Award, given to just six students from 17 universities within Maine.

When Gretchen talks about herself, she says this: "I have been working day and night for almost four years now, squeezing every moment out of every day, attending college full time, keeping up with my studies, fitting in a few hours of work each week, and volunteering at a local legal services organization. I spend every moment possible with my four-year-old daughter, who has had no contact with her father in over a year."

Gretchen is a single mother. When others want to judge recipients of TANF, which Gretchen happens to be, Gretchen is exactly the kind of hard-working and determined young woman I think of. Others have not walked in Gretchen's shoes. They don't know how she manages each day. They don't know how all her hardships have steeled her resolve to rise out of poverty, thanks to Maine's nationally renowned Parents as Scholars program.

LD 1842 would eliminate the successful Parents as Scholars program. I remind you that the Parents as Scholars program, which enables parents like Gretchen, improves family stability, and supports recipients to secure jobs with higher wages and better benefits. Last week, Gretchen drove three hours to Augusta on a snowy day to inform our Health and Human Services Committee how the Parents as Scholars program has changed her life. "Without the supports I get from Parents as Scholars, especially child care," she says, "I fear the future that I envision for me and my daughter, that future that's almost within my grasp, will slip away." "Please," she continued, "for the hundreds of other families working and studying, and volunteering in their communities, and raising their children with hopes of a bright future, I implore you to keep the Parents as Scholars program intact, and continue to support the program and the successful futures this program creates." I cannot convey this urgency to support the Parents as Scholars program any better, myself. Thank you, Mr. Speaker.

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

Representative **SANBORN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of the pending motion. LD 1842 would eliminate the Parents as Scholars program. This is an extremely successful antipoverty program. It is one that increases employment and wages for participants. It has improved family stability for thousands of Maine women raising children on their own. Education is one of the best pathways out of poverty. Parents as Scholars supports working parents while they pursue postsecondary or careers in technical education. These are parents who are committed to improving the lives and building better futures for their children. The success of the Maine Parents as Scholars program is nationally recognized, so much so that other states look to us as a model. Senator Olympia Snowe was so impressed with Parents as Scholars that she tried to incorporate it into the federal TANF law. This is the kind of effort that lawmakers on both sides of the aisle have supported and should continue to support if we truly want poor families to improve their lives. This bill also eliminates the good cause provisions that permit some TANF participants to have an exemption from work requirements, exemptions such as trying to escape domestic violence, caring for a disabled child, or suffering from mental health or other crises. Our good cause exemptions are in line with good cause exemptions used in other states. Some states even offer more exemptions. Elimination would subject 12,300 children who currently receive TANF to homelessness, hunger and other injustices. DHHS says that they must eliminate these programs in order to meet the federal TANF participation rate or face millions of dollars in fines. This is blatantly not true. We are now meeting the All Families category requirement and are close to doing this in the Two Parent category. We have submitted corrective plans as required by the feds. Maine has never been fined one penny. We have better alternatives that are successfully used by other states than canceling this program to avoid penalties. We need to face the facts. Poverty is on the rise and more children are growing up in poverty. It's now up to 1 in 4 Maine children. How can we even consider getting rid of this proven pathway out of poverty? The elimination of Parents as Scholars will do nothing but push families deeper into poverty. I urge you to follow my light and stand up for Parents as Scholars and all the families it serves. Doing otherwise will only provide glaring evidence that this bill is not about helping people out of poverty but rather kicking them while they are down. Thank you, Mr. Speaker.

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

Representative **STUCKEY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. This bill eliminates two incredibly important components of our state's TANF program. The good cause exemptions from the program's work requirements and the Parents as Scholars student financial aid package. I've spent a long time thinking about how to best describe how I feel and the best I can do is to say that this bill is silly. Good cause provisions are important working parts of any reputable program that places expectations and requirements on participants. Most, like the ones in our TANF program that this bill would eliminate, are common sense tools that assure fair treatment and responsible compliance. Good cause protects against sanctions when your car breaks down, when your child care doesn't work, when one of your kids is sick. Fraud isn't the problem here, Mr. Speaker, poverty is. Parents as Scholars only works if the participants work and work really hard. Most of them are young women with no contributing parent partner who have

decided to make a sea change in their lives. They set out to work and go to school, and to raise their children. They aspire to a good and decent life for themselves and their families. Parents as Scholars helps them along the way for sure, but make no mistake, Mr. Speaker, this program does not work without the incredible fortitude and character of these young single parents.

Since 2011, Maine's TANF caseload has dropped from 14,800 to around 7,700. According to the Department of Health and Human Services, families spend an average of 30 months on TANF. So I'm not a mathematician really, but in the last four years, I'm thinking we've moved well over 10,000 people off of welfare. My fear, Mr. Speaker, we've helped very few of them move out of poverty and I'm sure many of those who have would say, Mr. Speaker, that they owe their success in large part to the Parents as Scholars program. On Tuesday, we heard that, according to Hubert Humphrey, the best human service program is a job. I would only add, Mr. Speaker, that it be a job that pays a livable wage. I remember years ago hearing in this very building then Governor Joe Brennan say the same thing and then his commissioner of the Department of Human Services Mike Petite went on to add that the best human service department is the family. I would agree with that too.

And, Mr. Speaker, President Reagan and I agree that the Earned Income Tax Credit is the best antipoverty program ever to come out of Congress. It supports families by rewarding work. Mr. Speaker, Parents as Scholars may be the third best antipoverty program ever, right behind a good job and a good family and the Earned Income Tax Credit. And Parents as Scholars is certainly the best antipoverty program our Maine Legislature has ever enacted. It may well be the best enacted by any state legislature anywhere at any time. Parents as Scholars was real welfare reform back in 1996 and it's still working well today. Why would we want to eliminate something this successful? Wouldn't that be silly? We should be working to expand it. Men and Women of the House, this bill really is silly.

And, Mr. Speaker, I'd like to close my remarks by reading to you from the end of a testimony that we got when this bill had its public hearing from a young woman named Heidi Hart. She described her life experience to us up to this point, and then she concluded by saying, "…a year after graduating, the federal TANF legislation was up for reauthorization. Knowing how important education was to my success, I agreed to attend a meeting with other Parents and Scholars graduates and Maine's own Senator Olympia Snowe. I still have the picture of me standing next to Senator Snowe, and I will always remember how thrilled I was when she decided to propose an amendment to the TANF reauthorization bill that would enable low-income parents throughout the country to attend college. Unfortunately, while Senator Snowe's amendment received unanimous support in committee, it did not become law."

"I never understood the political opposition to this sensible idea. Because no matter which side of the political aisle you are on, support for this program should be a no-brainer. If your goal is to enable people to leave welfare and poverty behind for good, education is key to achieving that goal because education is key to securing the kind of job that will provide financial independence and security. As a taxpaying citizen, my lifelong contribution to this State will far outweigh the short-term investment that was made in me through the Parents and Scholars program. The expected course of my daughter's life was also dramatically changed because of the wise decision that Maine made back in 1996 to create this program and provide a lifeline to people like me." I'm almost done, Mr. Speaker.

"Please, do not cut the Parents as Scholars program. The cost-benefit analysis, in terms of both money and human lives, weighs in favor of keeping this opportunity open for low- income parents. This program has demonstrated success in transforming people's lives and economic opportunities. I am just one of many who have benefited from this sensible approach to welfare reform. To destroy this program based on false assumptions and ugly stereotypes about people on welfare would be especially egregious. Cutting or eliminating the PAS program is completely counter-productive to the goal of helping families permanently leave welfare and poverty. I hope that the members of this committee fully understand how foolish and irresponsible that would be, and I hope you refuse to deprive people like me of the hope of a better and more secure future."

I just want to thank Heidi for her contribution to this debate and for the excellent example she shows all of us for what you can do when you really put your mind to it. Thank you, Mr. Speaker.

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. Work participation is a federal requirement of the TANF program and has been for nearly two decades. Ever since 1996, when President Clinton's work to welfare reform was passed, it has been a huge requirement to participate in these programs. Currently, our Department allows for 13 different exemptions. The federal government allows for many less. Maine statute currently allows TANF participants to pursue a four-year college degree and not meet required federal work activities. The federal guidelines allow 12 months only. Failure to meet our work federal guidelines participation rates is coming at a significant cost to the state. We are looking at a penalty of $13 million because we did not meet the guidelines for 2007 through 2010. The federal government also notified Maine that it faced more than $13 million for those times. We also did not meet the work participation rates in 2011, 2012, and we have not met the two-parent rate for 2013 so we are now facing additional federal sanctions for those years as well. In Maine, 1 out of every 9 two-parent TANF households meets workforce participation requirements. Only 1 out of 9 meets those requirements. Now, there is no doubt that the past program is a very valuable program. That's why we tried to insert in the last piece of what we just debated. However, it's interesting to note that when we PaS was originally put into place back in 1997, it was very clear that this program must be supported with funds other than federal block grant funds provided under the United States Social Security Act, Title IV, A. We were not to use TANF block grant funds for this. It wasn't until 2003, in the 121st Legislature, that they enacted the law to allow the Department to use federal TANF block grant funds to fund 12 months of a family's past benefits beginning on or after July 2003. Unfortunately, that 12 months has been extended and that's what's getting us into trouble. We cannot go beyond 12 months because that affects our work participation rate, and it puts us in jeopardy of being fined and having to pay back substantial amounts of money. Thirteen million dollars, what could we do in this state with $13 million? We could do a lot right now, especially with some of the budget shortfalls that we see. Now, we did have testimony in committee regarding whether or whether or not we will have to pay back those fines. It was from a representative from Maine Equal Justice stating that we have not been penalized and we have not had to pay anything yet. However, when pushed in committee, this woman admitted we may have to pay them back or we might not. We might or we might not. Any one of us can sit here and say we might or we may not. There is no guarantee that we won't have to so I wouldn't count on not having to. We

want to make sure that women, disabled, folks who are victims of domestic violence are covered. That's why, in this bill, one exemption that we did put back in via committee amendment, or was going to be in the bill, was to make sure that we sought that waiver for victims of domestic violence. This bill brings us back into compliance with where we need to be to make sure that we don't jeopardize millions in federal funding to help support some very needy individuals. I urge you to vote down the pending motion, pass this bill, bring us back into compliance, back where we need to be. We've been caught with our hand in the cookie jar before. We're caught with our hand in the cookie jar now. We have got to stop paying fast and loose with federal guidelines regarding the parameters of these programs. 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 have sat listening for several hours to debate on multiple bills related to assistance to our most vulnerable citizens. I struggle to focus on this bill and find myself thinking about a $400 million tax cut for the wealthiest citizens, millions of dollars of overpaid benefits from tax dollars, a million dollar no-bid contract, hundreds of millions of dollars from bonds held captive, and I wonder how is it that we end up spending these hours focusing on EBT cards where we acknowledge that only 2/10ths of 1 percent actually have abused them, focusing on fraud with minimal consequences. I suggest to you that we simply call this what it is, a term used by the Representative from Newport, a war on the poor to distract from these other failings in our session. 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 rise in support of this motion because I, too, think the Parents as Scholars program is a really important program. It's not a program that I've ever taken advantage of, but let me tell you a little story about my good friend Nicole. When I first met her, it was about a little over a decade ago and she was protesting the board of trustees because they were threatening to close the University of Maine at Augusta Bangor facility and as a single mom that was the only place that she could really go to get her college degree and she was part of the Parents as Scholars program. She had a little boy at the time, he's a little bit bigger now, handsome little guy she loves dearly, and she wanted to build a better life for herself and pave the way so that he could have a better life for himself down the line which is why she was taking advantage of the program. Not only did she graduate college, but she also helped create a program in this state that set in motion the opportunity for future generations of Mainers to be able to actually afford their college debt. About two years after I met her protesting the board of trustees, I had graduated college at that point, and we reconnected over the Opportunity Maine Program. It was a citizen initiative and many of us stood on street corners in the middle of winter collecting signatures to make sure that future generations of Mainers had the opportunity to get a college education. She was still going to college at the time and she was a student and she organized the whole Bangor/Orono region with another good friend of mine who you have seen in the hallways here, Gabi Berube Pierce. They have quite the team, quite frankly. They have collected probably more signatures collectively and organized more signatures than anyone and now we have it on the books here in the State of Maine and now any student who wants to go to college can afford to in this state, after they graduate, of course. To the good Representative from York's position, I don't disagree with him. We are yet again facing a crisis in higher education funding and yet again people are protesting the board of trustees, they are protesting presidents because they can't afford their college education, and I would argue that wiping out this program sends the wrong message to students who are trying to get their education. It sends the wrong message to people who are trying to climb their way out of poverty. So I'm going to be voting for the Ought Not to Pass motion today in honor of my friend Nicole, her hard work to make sure that her son had the opportunity to come out of poverty and also the hard work that she put forth in making sure that future generations have the opportunity to get a college education, which, by the way, not only does she now have that college education, but she's gainfully employed and sending a very different message for young people around the state. So I will be voting in support of the pending motion in her honor and her hard work. Thank you, Mr. Speaker.

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

Representative **SANBORN**: In regards to the threat of a $13 million fine the Representative from Chelsea speaks of, the Department of Health and Human Services is either negligent in that they have not brought a request to the need for these monies to the Appropriations Committee or they do not believe there is a serious threat. Which is it? I suspect the second, that they know that as long as we continue to submit our corrective plans we are not in danger of high penalties. Thank you.

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

Representative **MALABY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would put to you today, and I stand in opposition to the pending motion, and I would say to you that this is a federal compliance issue. We had the good Representative from Gorham just inquire as to whether or not we felt this was real or imagined in terms of the penalty that might be associated with the work effort and I would say that during the four years that I've been here, I've seen us regularly have to pay the federal government money. In 2012, we had to pay them $30 million or just under that for targeted case management issues that occurred in 2003. So back to what I was saying, this is a compliance issue. We can ignore the potential threat or the requirement that we pay $13 plus million, but is also at its core something that I spoke to earlier today with the first bill that was before us this afternoon. This is a program integrity issue. Frankly, I like the program Parents as Scholars. It's heartwarming to hear. Nobody can be immune to the success of those who claw their way up. But if you recall, I spoke earlier to something that's a line item in the DHHS budget and that is the recovery, and this year, that recovery is bid on the order of $23 million. But the real program integrity issue is do these programs work. We had a gentleman from Westbrook, the good Representative Gattine said that in point of fact the TANF program has been cut harshly as it has over the last three years, there is no denying saying, and the reason it has is because it wasn't working well and the money that has been saved has been moved into the ASPIRE program to support these people, to move them into the workforce. You know, in DHHS, we find every day heartrending issues. Requests are made for us regularly in the millions, hundreds of thousands of dollars, and we have to make some very hard choices and these were hard stories to hear. Indeed, I support the Parents as Scholars, but guess what? The federal government, TANF is a federal state program much like Medicaid and there are rules and there are laws, and they will support it for 12 months, that's all. Hello. You know, it saddens me to get up here and have to say this, but it

saddens me even more to say the following. A while ago, we spoke to another issue about Medicaid and I would put to you that in the year of 2000, General Fund money, we used $446 million for the Department of Health and Human Services, General Fund money, and in the year 2012, including all state dollars which include General Funds, tobacco funds, Fund for a Health Maine, and other special revenue which is a very interesting word. What is other special revenue? Well, let's get to the point. It was $446 million in 2000; it was $1 billion in 2012. How did that grow that much? It grew because we started to tax our providers and then we turned it around to support our programs. I find that very inappropriate. We are continually challenged for revenue and this is a worthwhile program, but, ladies and gentlemen, we have to balance these needs. These are real needs. These are real people. I would like to support everyone, but you know sometimes you just don't have the money. Thank you.

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

Representative **GATTINE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I wish it were true what my friend, the Representative from Hancock said, that the brutal cuts in the TANF program have resulted in better work opportunities for people, but I've certainly never seen evidence to that affect. Again, the number of children in poverty in this state continues to grow while we continue to cut, and we just spent a long time in this chamber today talking about why health care spending skyrocketed in the United States across all elements of health care spending over the past 14 or 15 years, but we'll save that for maybe another day. People refer to these matters we're taking up today as welfare reform. This one is really truly welfare antireform and it's sad that this program, Parents as Scholars, which has gotten bipartisan support in this body from the past is now the subject of these antireform efforts. But a lot is being made of these assessment of fines. Again, a couple of important points. The $13 million dollars from 1997, we put in a corrective action plan. We have never had to pay a penny to the federal government for one of these fines. But in spite of that, no matter what we do today going forward, it's not going to change the past. I believe we are currently needing the all families participation rate. CMS works with states trying to put strategies in place for them to continue to meet that rate. My understanding is the Department has hired consultants that they're working with to configure these programs in a way that will help us to continue to meet those rates. We do not have to cut the Parents as Scholars program in order to avoid ongoing fines from this point forward with CMS. I get it. With all due respect to my colleagues, I think that's a smokescreen and I think we need to continue this program because, as it's been described, it is so vitally important to the people that it serves. Thank you, Mr. Speaker.

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 appreciate the good Representative McGowan's comment on the floor, that in fact this is the war on the poor, because we knew that's what it is, that's what we're trying to do. But it amazed me that we, as a state, have a program that the federal government says we want 80 percent compliance here, folks, and we're somewhere below 20 percent. So here's the State of Maine running this program, the requirement up here is at 80 percent, we're down here at 20 percent, and the argument is, well, we're never going to have to pay a fine anyway so it's okay that we don't comply with the federal requirements. I find that unbelievable that we take a position that we don't have to comply with federal requirements, that we can simply ignore them for essentially four years. I mean, it was like zero enforcement. So we now stand here today in 2014 and we say that's okay. They're not going to fine us anyway. We didn't really have to comply. You know, when the federal government puts these rules in place, they really don't mean anything. I find that shocking that earlier we're talking about comments about whether or not someone should be penalized here, this or that. Now the argument has gone to it doesn't even matter what the rules are. We're just going to ignore them and that's okay. That $13 million fine, that really isn't going to happen. We'll just keep ignoring the federal law and doing this. War on the poor. I mean really, folks. I mean, we can't comply with the federal rules and requirements and it's perverted to then suggest this is a war on the poor? I mean really.

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

Representative **CAREY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. This is in response to the Representative from Newport, Representative Fredette's comments. I can only speak for one of us on this side of the aisle, but his suggestion that this side of the aisle is okay with ignoring federal requirements is frankly surprising. As a member of the Appropriations Committee, another one of my colleagues asked in this debate if the Appropriations Committee had been notified that this was a liability to the state or was soon to be one. We have not been notified. I wanted to be very clear. That committee, all 13 members and everybody who comes to that room takes very seriously the responsibilities of the state, the responsibilities that we're under, and also the moral responsibilities we have to those who are in the care of the state in some program or another. Feeding children is a very basic one, and also is the one of making sure that a family gets back on its feet and is not in the position of having to seek aid to feed their children. Thank you, Mr. Speaker.

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

Representative **FARNSWORTH**: Thank you, Mr. Speaker. This point of information, a lot of the discussion has been about the potential fine that might be brewing around here some place and I just wanted to point out that, first of all, it was with the all family statistics that have been kept in terms of employment. We've already met the criteria for that. The other issue is for the two parent families. That is where we're struggling the most, as are most other states struggling as well. However, the federal government has put on their website ways in which we can figure out alternative ways of calculating or reassigning some of these cases so that we can meet that criteria. I think the Department is responsible for reading the website, figuring out how to do that so that we can meet these standards that the federal government is looking for.

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. 634

YEA - Beaudoin, Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Graham, Grant, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, 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, Peoples, Peterson, Plante, Powers, Priest, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Welsh, Werts, Mr. Speaker.

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

ABSENT - Black, DeChant, Devin, Goode, Hamann, Jackson, Johnson D, Kent, McClellan, Noon, Pringle, Villa, Wilson.

Yes, 85; No, 53; Absent, 13; Excused, 0.

85 having voted in the affirmative and 53 voted in the negative, with 13 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-781)** on Bill "An Act To Protect Maine Lakes"

(H.P. 1250) (L.D. 1744)

Signed:

Senators:

BOYLE of Cumberland
GRATWICK of Penobscot
SAVIELLO of Franklin

Representatives:

WELSH of Rockport
CHIPMAN of Portland
COOPER of Yarmouth
GRANT of Gardiner
HARLOW of Portland
McGOWAN of York

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-782)** on same Bill.

Signed:

Representatives:

AYOTTE of Caswell
CAMPBELL of Orrington
LONG of Sherman
REED of Carmel

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-781)** was **READ** by the Clerk.

Representative McCABE of Skowhegan **PRESENTED House Amendment "A" (H-797)** to **Committee Amendment "A" (H-781)**, which was **READ** by the Clerk.

Representative CHIPMAN of Portland **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-797)** to **Committee Amendment "A" (H-781)**.

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 York, Representative McGowan.

Representative **McGOWAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As a member of the Environment and Natural Resources Committee, I think probably the issue I've been most impressed with is the commitment of people in Maine to their lakes. We held a hearing that lasted seven and a half hours. People left their homes at 5 o'clock in the morning to drive and then sat for five to six hours to listen to testimony all based on their deep passion and commitment to the lakes of Maine, of which I learned there are 2,700 lakes in Maine that people tell me that over $3.5 billion of our economy are related to our lakes in Maine, that our lakes are the core of the health of our rivers, of our forests, of our wildlife and our oceans. One of the biggest threats to our lakes in Maine is nitrogen and phosphorus which comes from fertilizers. Fertilizers, in this case, to make people's lawns greener or grow faster. So an adjustment to this bill that I fought for in committee was to raise it from 25 feet to 50 feet that people could fertilize their lawns. This amendment would reduce that back down to 25 feet. When you vote on this amendment, I encourage you to think about 2,700 lakes in Maine, $3.5 billion of our economy. Think about the threat of milfoil which thrives on nitrogen and phosphorus. So in this vote and in this amendment, I've been told that in order to get this bill through, you know, we have to reduce it down to 25 feet, when I've asked multiple people is it that you disagree that 50 feet would be better. Each and every one of them has said to me, "Oh, no, we agree." Each environmental organization has told me, "Oh, no, we agree 50 feet would be better for the lakes of Maine." But I was told that, you know, the landscape people are upset because this would cut down in the amount of landscape architecture and fertilizing of lawns. Is that really the basis for a policy around our lakes which are so central to the nature of this state? So I ask you to reflect on what's really the right policy here, that we must be able to find a way amongst us to say this is a good thing for the lakes of Maine, let's get this bill passed and, therefore, for the time, I ask that this amendment be Tabled. Thank you, Mr. Speaker.

The SPEAKER: The Chair would remind all members you cannot make a Tabling motion after debate.

The SPEAKER: The Chair recognizes the Representative from Belgrade, Representative Keschl.

Representative **KESCHL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Even if you have no understanding of issues impacting water quality, if you were to live in Belgrade for even a short period of time, you'd soon become aware of the importance of our lake system. It is the economic engine for our region. Waterfront property owners pay over 50 percent of the property taxes and provide much of the employment for many of our year-round residents and small business owners. Towns in my district, indeed throughout Maine, are struggling with many issues that impact the water quality of our lakes, issues that include invasive species such as Eurasian milfoil, phosphorus and nitrogen loadings due to the overuse of lawn fertilizers, as you've just heard about. This bill is an effort to help people living on the lakes who are investing hundreds of thousands of dollars of their own money to control these water quality problems. By doing so, it helps those people who may not live on the lakes but make a living from those that do and who also enjoy the many recreational opportunities that these lakes offer. When I first started working at the Department of Environmental Protection in Bureau of Water Quality Control in 1979, I quickly learned a phrase that people often use to defeat environmental improvement efforts, a phrase that I believe posed a false choice, "pickerel or payroll." Many of you may have heard

that. I believe that with the passage of this bill, the pending motion, that phrase can be changed to "pickerel and payroll." That is a healthy environment and a healthy economy. I urge you to support the pending motion.

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. As a sponsor of this bill, I'm very excited to get to this moment, to get to this moment and see so much support for this bill. I've distributed a letter, a letter that's come from Maine Lakes Society in support of the bill and in support of the pending amendment. So I hope that folks will ride this out until the end, will support the bill, will support the amendment so we can move forward, move forward to benefit the lakes across the State of Maine and thank you very much.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Nadeau.

Representative **NADEAU**: Thank you, Mr. Speaker. As a landowner and seasonal occupant on a lake, I am in support of this motion. Right now, there are no setbacks. So I made a phone call and the phone call goes like this. I spoke with someone from DEP and, right now, there are no setbacks so they cannot enforce anything when it comes to this. What we need to do is we need to set this in motion, and this amendment will do just that, and then if we want to make it more restrictive we can at another state. But, right now, we need to do this, and we need to do this because this the right thing to do so that they can enforce so that we can keep our lakes clean, we can keep our ponds clean, and we can keep everything crystal clear like we want it. Thank you very much.

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**: As the good Representative from York pointed out, the committee listened to lengthy testimony and worked this bill in a lot of detail. Is there any new information that comes before the House that was not available to the committee when they deliberated this bill?

The SPEAKER: The Representative from Freedom, Representative Jones, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Rockport, Representative Welsh.

Representative **WELSH**: Thank you, Mr. Speaker. When we heard this bill, the bill identified the setback as 25 feet. The committee later added 50 feet, but this amendment brings it back to 25, which all of the testimony that was in support of the bill intended the 25 feet.

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

Representative **McCABE**: Thank you, Mr. Speaker. This amendment also clarifies some language that in communication with the administration was a concern. It was a concern because it went a little far as far as dictating responsibilities and duties, and the amendment actually sort of scales that back, gets back more at the mission of providing education and outreach and coordination with lake associations across the state. By doing that, it actually lessened the actual fiscal note of this bill. As referred to before, there is a scale back of the 50 foot to 25 foot and I think that's why this amendment is receiving this support today. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-797) to Committee Amendment "A" (H-781). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 635

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

NAY - Beavers, Boland, Chapman, Chipman, Harlow, Hickman, Jones, Kaenrath, McGowan, Stuckey, Verow.

ABSENT - Black, DeChant, Devin, Dickerson, Gideon, Gillway, Goode, Hamann, Jackson, Johnson D, Kent, McClellan, Noon, Pringle, Villa, Wilson.

Yes, 124; No, 11; Absent, 16; Excused, 0.

124 having voted in the affirmative and 11 voted in the negative, with 16 being absent, and accordingly **House Amendment "A" (H-797)** to **Committee Amendment "A" (H-781)** was **ADOPTED**.

Subsequently, **Committee Amendment "A" (H-781) as Amended by House Amendment "A" (H-797)** 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**.

Representative CHIPMAN of Portland **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (H-781) as Amended by House Amendment "A" (H-797)** thereto.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Engrossed as Amended by Committee Amendment "A" (H-781) as Amended by House Amendment "A" (H-797) thereto. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 636

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Bennett, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Clark, Cooper, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, Dill, Dion, Doak, Dorney, Dunphy, Duprey, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gifford, Gilbert, Graham, Grant, Guerin, Harlow, Harvell, Hayes, Herbig, Hickman, Hobbins, Hubbell, Johnson P, Jones, Jorgensen, Kaenrath, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby A, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke, Nutting,

Parry, Pease, Peavey Haskell, Peoples, Peterson, Plante, Pouliot, Powers, Priest, Rankin, Reed, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Saxton, Schneck, Shaw, Short, Sirocki, Stanley, Stuckey, Theriault, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Verow, Volk, Wallace, Weaver, Welsh, Werts, Willette, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - NONE.

ABSENT - Black, DeChant, Devin, Dickerson, Gideon, Gillway, Goode, Hamann, Jackson, Johnson D, Kent, McClellan, Noon, Pringle, Villa, Wilson.

Yes, 135; No, 0; Absent, 16; Excused, 0.

135 having voted in the affirmative and 0 voted in the negative, with 16 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-781) as Amended by House Amendment "A" (H-797)** thereto and sent for concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Require a Work Search for Job-ready Applicants for Benefits under the Temporary Assistance for Needy Families Program"

(H.P. 1302) (L.D. 1815)

Signed:

Senators:

CRAVEN of Androscoggin
LACHOWICZ of Kennebec

Representatives:

FARNSWORTH of Portland
CASSIDY of Lubec
DORNEY of Norridgewock
GATTINE of Westbrook
PETERSON of Rumford
STUCKEY of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-791)** on same Bill.

Signed:

Senator:

HAMPER of Oxford

Representatives:

MALABY of Hancock
McELWEE of Caribou
SANDERSON of Chelsea
SIROCKI of Scarborough

Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports the Majority **Ought Not to Pass** Report.

READ.

Representative FARNSWORTH of Portland moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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 is a bill that is a pretty straightforward bill. All this bill says is that if you are in fact going to be seeking TANF benefits, you simply need to apply for three jobs before you do that. This is a bill that is already in place in 21 other states in the country, including Vermont and New York, and so this is not a sort of "out of the box" proposal but it's something that is very mainstream in many states, both conservative and liberal, and I ask you to follow my light in support of defeating the motion. Mr. Speaker, I 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 Portland, Representative Farnsworth.

Representative **FARNSWORTH**: Thank you, Mr. Speaker. Mr. Speaker, I rise in support of the motion. While they sound like good prerequisite work search requirements for families in crisis, they are ineffective. They simply make it harder for families in crisis to get help. In other states, where such a work search is a prerequisite to getting help for families in crisis, the results have been terrible. Instead of putting people back to work, it just puts up barriers to getting much needed support and assistance to get struggling families back on their feet. Antipoverty programs are supposed to help people get back on their feet again, not trap them in poverty. There is no evidence that more people found work because of the work search requirements. More often, it results that people in crisis turn to cities and towns for general assistance or just end up hungry and homeless. In Pennsylvania and Georgia, more than 80 percent of the people applying for assistance were denied help. After Georgia passed a law like this one, fewer than 1 in 5 people applying for assistance received it, but there was no evidence that those denied help had found work. Real reform, like the bipartisan Ticket to Work law that was passed last year, uses job training and education to help people get back on their feet again. The fact is that those who are getting temporary help already must meet work requirements. The legislation is ineffective and clearly election year politics. It's a campaign gimmick meant to district from the fact that Maine's economy is lagging behind the nation. We ranked 49th in the country in job growth. Instead of scoring political points by vilifying poor people, we should be focused on getting people back to work and growing our economy. I think the critical thing here is making sure that we have jobs that people can apply for. I will be voting green to stop this harmful idea in its tracks. Thank you and I urge people to join me.

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

Representative **SANDERSON**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. This is a very modest bill asking people to take one small step should they need to apply for before or and during when they apply for any benefits that might help them through a tough time. These folks, we're asking people to apply for three jobs, and I want to make it very clear. Only one application needs to be filed before you apply for TANF benefits and then two other jobs within two weeks after the application. This bill worded it that way so there would be no delay, no delay in the granting or non-granting, depending on how the eligibility fell which had nothing to do with the jobs to begin with. It would not delay the granting of benefits. Now, it's interesting to note that there are many states out there who have this work requirement and some of them I would think it might be a little hard to attain. For example, in Georgia, they request people make 12 to 24 job contacts within six weeks of initial application. Kansas, they need to make 20 contacts per week for four weeks. Maryland, participants in job search for at least 20 hours a week for two weeks. These are certainly much more stringent than what we are asking people to do. Now, last year, we passed a piece of legislation that was sponsored by the good

Speaker and that this is a good tool for the Department to use. This legislation is a good pairing with that to make sure that we're getting folks who are job ready – job ready – into the workforce as soon as possible. I urge you to vote down this motion and to pass the Ought 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. 637

YEA - Beaudoin, Beavers, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Carey, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, Dill, Dion, Dorney, Farnsworth, Fowle, Frey, Gattine, Gilbert, Graham, Grant, Harlow, Herbig, Hickman, Hobbins, Hubbell, Jorgensen, Kornfield, Kruger, Kumiega, Kusiak, Longstaff, Luchini, MacDonald W, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Peoples, Plante, Powers, Priest, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Welsh, Mr. Speaker.

NAY - Ayotte, Beaulieu, Beck, Bennett, Campbell R, Casavant, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Doak, Dunphy, Duprey, Espling, Evangelos, Fitzpatrick, Fredette, Gifford, Guerin, Harvell, Hayes, Johnson P, Kaenrath, Keschl, Kinney, Knight, Lajoie, Libby A, Lockman, Long, MacDonald S, Maker, Malaby, Marean, Marks, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Peterson, Pouliot, Reed, Sanderson, Short, Sirocki, Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Werts, Willette, Winchenbach, Winsor, Wood.

ABSENT - Black, DeChant, Devin, Dickerson, Gideon, Gillway, Goode, Hamann, Jackson, Johnson D, Jones, Kent, Libby N, McClellan, Noon, Pringle, Shaw, Villa, Wilson.

Yes, 70; No, 62; Absent, 19; Excused, 0.

70 having voted in the affirmative and 62 voted in the negative, with 19 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-792)** on Bill "An Act To Reduce Abuse of the Temporary Assistance for Needy Families Program through Restriction of Electronic Benefits Transfers"

(H.P. 1309) (L.D. 1820)

Signed:

Senators:

CRAVEN of Androscoggin
LACHOWICZ of Kennebec

Representatives:

FARNSWORTH of Portland
CASSIDY of Lubec
DORNEY of Norridgewock
GATTINE of Westbrook
PETERSON of Rumford
STUCKEY of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-793)** on same Bill.

Signed:

Senator:

HAMPER of Oxford

Representatives:

MALABY of Hancock
McELWEE of Caribou
SANDERSON of Chelsea
SIROCKI of Scarborough

Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-792)** Report.

READ.

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

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

Representative **FARNSWORTH**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I wish to rise today in support of the motion to pass LD 1820 as amended. The amendment strikes the bill and replaces it with a Resolve directing the Department of Health and Human Services to work with the Attorney General to investigate and prosecute misuse and abuse of EBT cards. Lawmakers have given the administration an additional $700,000 per year to fight fraud and added staff to do so. Currently, 17 fraud investigators are on hand at the Department. The Chief Executive has the tools and the resources to fight fraud, but he has not been doing the job. This alternative is far better than the Chief Executive's proposal to outright prohibit out-of-state EBT card use. It stands up to constitutional muster and does not violate interstate commerce laws as with the original bill. I urge you to join me in supporting this bill. Thank you very much.

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 Westbrook, Representative Gattine.

Representative **GATTINE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of the motion on the floor. Again, another bill about TANF and actually with respect to this matter we actually have some data. What this data shows us is that the vast majority of TANF transactions occur in Maine and of the small number that occur out of state, the vast majority of those occur in New Hampshire. If you look at the Department's own numbers, you'll see small numbers of TANF claims in other states. Now, the Department may claim that there are thousands of EBT card transactions in far-flung locations, but the vast majority of those transactions are for food assistance, not TANF, and the Department acknowledges and knows full well that it is not allowed under federal law to stop out-of-state food assistance claims. This bill is about TANF and TANF only, a relatively small program mostly funded by federal dollars, that's designed to provide a small amount of cash assistance to working moms and kids. The number of people on this program have already been cut nearly in half under this administration. So let's be crystal clear. In spite of what you may hear from the Department, there are not thousands of TANF transactions going on in exotic locations. Earlier this week, we heard from the Department about 1,817 transactions in Hawaii, the Virgin Islands and Puerto Rico. But let's look at the facts. In

2013, there were no TANF claims in Hawaii, zero. In 2013, there were no TANF claims in the Virgin Islands, zero. In 2013, there was one TANF claim in Puerto Rico for $40. The Department talked about 16,000 suspicious transactions in California, when, in fact, in 2013, there were 30 TANF benefits transactions in California. The Department talks about 28,000 transactions in Florida, when, in fact, there were 318 in 2013. So when you think about this bill and before you vote today, you really have to ask yourself, why? Why is the Department so willing to promote these numbers in such a deceptive way just to stop a bunch of low-income people who live in Kittery and Berwick and Fryeburg from doing their shopping in New Hampshire? What are they trying to hide by making these outlandish claims? Well, maybe it's their own poor record in fighting fraud and abuse.

Over the past several years, the Legislature has given DHHS significant new resources to fight fraud, waste and abuse. We've given them additional people. We've enacted laws prohibiting the use of EBT cards in particular places. We've amended our criminal statutes to make it crystal clear that people cannot buy and sell EBT cards. They have more people and they have more tools and what have they done with it? Have we seen a big increase in the number of fraud cases regarding recipients? No. Have we seen an increase in the amount of financial recoveries? No. Have we seen an increase in the level of confidence by Maine people in the integrity of the system? Absolutely not, in spite of the fact that we give them more and they have done nothing to regain the public trust. People are getting frustrated because they see their tax dollars going into efforts that pay no dividends. We keep investing and investing and investing and the people get nothing in return. Well, that's got to stop. This bill sends a strong message to DHHS that it needs to get its act in gear and fight fraud and abuse, no more excuses. They say they have evidence that people are getting Maine benefits but they don't live in Maine. Well, DHHS has done nothing to stop this and the Attorney General says she hasn't received a single referral. If people are receiving TANF benefits and not living in Maine, that's already a violation of Maine's rules and the Department has the clear authority to investigate and stop that activity. If they have the evidence, they need to take the action. That's what the Majority Report demands and that's why we need to support this bill. Thank you, Mr. Speaker.

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 would like to answer the good Representative from Westbrook's assertions regarding the numbers of 2013. The numbers that the Department are quoting are from 2011, 2012 and 2013 transactions. Those are the numbers they are quoting and I would probably make a guess that if they are so much lower in 2013, it is not because the Department has a poor record of managing these programs. It's because the Department has a good record of doing the best they can to tighten up these programs and be able to lower the actual use in 2013. I would say that this bill would actually give them yet another tool. It's fine to say that the Department has the ability to already look, see if somebody is using their benefits out of state month, after month, after month, and then go get them. The trouble is the money has already been spent and that is money that we will not get back. That is money that we will not have available for Maine people, Maine families living here in Maine. It's gone, at that point, and we will never get it back. We need to tighten up our TANF benefits. It's very clear, very clear, in the last three years, there has been $1.3 million in two-month period benefits. The first of the month, they haul the benefits out two months in a row, $1.5 million. Now, those folks weren't living here in Maine. There was also over $800,000, almost $900,000, of folks who were out of the state for six months, those transactions, month, after month, after month. That is money, almost $2.5 million, that we will never get back, $2.5 million that was not spent in this state supporting Maine families. We need to give the Department the tools they need to make sure that this money goes for our neediest families, here in Maine, feeding Maine children. 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. I rise in support of LD 1820 as amended which would direct the Department of Health and Human Services to fight fraud and misuse of EBT cards out of state. This proposal is far better than the original bill brought forward by the Chief Executive. While I agree with the Chief Executive that we must ensure our tax dollars that are meant for families in crisis are not abused, prohibiting the use of EBT cards out of state poses constitutional and legal challenges. It would also be harmful to struggling families who live near border states. Just because you are poor, you should not be barred from shopping for groceries in New Hampshire or visiting an ailing relative in Massachusetts. If you live in a town on the border, the closest and least expensive grocery store may be across the state line. I think about one of my patients who had to leave an abusive relationship. Her husband was abusive and she had a child with congenital heart disease. She was making regular visits to Boston Children's Hospital because of her child's illness. If she had an EBT card and was told that she had to stay in Boston, which had happened to her in the past, what would she do if she could not use that card in Massachusetts? Would you have to drive all the way back to Maine, leave her child in the hospital while she used her EBT card in Maine and drove back to Boston? That doesn't make any sense. As everybody had said, many people have said, most of the out-of-state EBT cards are actually used in New Hampshire and most of the people who are on TANF are young mothers with very young children. I would also guess there may be New Hampshire residents or residents from other states who come to Maine and use their EBT cards in Maine. Do we want to ban that as well? I'd say the best way to combat fraud is not by banning out-of-state EBT card use, it's by cracking down on abuse. DHHS has $700,000 extra per year to investigate and fight fraud. They should be using those dollars. This bill directs them to do so and report back to our committee on their progress. Please follow my light. I also want to mention, and you probably got this as well, we got a report from the Attorney General suggesting that there is a fiscal note to this bill because she feels that this is probably unconstitutional and there may be litigation. 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 often introduce myself in our committee as probably serving the southern hemisphere of Maine. So I represent border communities, places where people on a daily basis make decisions about the best place to buy their food, their clothing, their gasoline. So when you think about the idea of ruling out out-of-state use of EBT cards, you're talking to people who live in the margin and are trying to get the most out of their tax dollars in the part of Maine where I live. But I want to bring to your attention that there's a constant message behind this bill, and it's a message we've heard again and again today, and the message is you can't trust poor people. You can't trust them to buy their food and clothing

and gasoline where it best serves them. You can't trust them to apply for a job when they really need it. You can't trust them to pursue an education to better care for their children. You can't trust them to work their way out of poverty. I ask you to reject this message and…

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

Representative **SANDERSON**: Mr. Speaker, I take issue with the good Representative saying that we've been continually saying you can't trust people. We have been constantly saying we want to preserve benefits for those who do need it. Thank you.

On **POINT OF ORDER,** Representative SANDERSON of Chelsea objected to the comments of Representative McGOWAN of York because he was questioning the motives of other members of the House.

The SPEAKER: The Chair would say there is a fine line between having an opinion and making an accusation. It is my job to make sure that debate does not fall outside what is expected here in this chamber for decorum. If members make reference with the intention of inciting other members, I will make a judgment as to whether the Representative may proceed or not.

The Chair reminded all members that it was inappropriate to question the motives of other members of the House.

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

Representative **PLANTE**: Thank you, Mr. Speaker. We have spent several hours discussing welfare reform. It's interesting that we call it reform, when, in fact, all we're doing is making life more difficult on those who don't already have enough on their plate. We try and understand this. We want to make sure we're not going to have sales out of the State of Maine because you're on the TANF program, at least with those dollars. You know, it sounds like a good idea if you're from Washington County, from Aroostook County. If you don't live on the border of New Hampshire, it makes perfect sense. It would be very just ridiculous to drive all the way to New Hampshire to get your groceries. I agree. I wouldn't do it. It wouldn't make any sense. The cost of travel would be far too much to do. You see, that's why people in Berwick, North Berwick, South Berwick, that's why they go to New Hampshire, Somersworth or Dover, to get their groceries. That's right. Let me give you a little bit of information here that seems to have been lost because no one wants to do the research. If you shop at the Walmart in Somersworth, New Hampshire, and drive from where I originally lived on 34 Goodwin Street in Berwick, you would drive 2.9 miles to get there. My neighbor worked at Walmart, had fulltime employment, fulltime so much as to make sure she could still be on the welfare programs we're reforming today. That's right. She could have fulltime work, no health insurance and still need welfare. It's a beautiful thing. I've got to admit, I can't understand how they can work but nevertheless we'll move on. See, if she had to go to the Walmart in Sanford, the next closest one, 18 miles. Now, where's that extra cost going to come for to pay for that travel? I assume out of the very few dollars they have. Maybe out of the TANF benefits they get. Maybe out of the jobs she works that she barely has enough money to pay her bills. Well, in fact, she doesn't have enough. We have to come in and subsidize Walmart instead of actually paying a living wage. Now, if you want to go to Shaw's in Dover where I work, you can come and see these people every day. They have children. They're hungry. They need to eat, not just the children, the parents. They're the ones who provide for the children and give them the opportunity to grow up in a decent house and maybe have the chance to get out of poverty, the point of these programs altogether. From my home in Berwick, originally on 34 Goodwin Street, you drive 4.3 miles, whereas if you wanted to go to the next closest one in Sanford, you drive 16. You're closing in on four times the amount of distance. Again, please tell me where that extra money to pay for the travel will come from. But you know what, maybe we won't just go to Shaw's for Shaw's or Walmart for Walmart. Let's get the closest one possible. How about a Hannaford? The one in York, do you know how far that is from 34 Goodwin Street? Fourteen miles. Let's do the math again. Show me where the money is to pay for the extra travel when you're on the welfare program. Admittedly, I don't know where it is. Thankfully, I have just enough money working my tail off every day, like so many people in this building here do right now, to be able to afford the things I need and some of the things I want and to put away just a little bit for down the road. I'm trying to figure it out. What are we going to achieve by telling those already in the most desperate of times you can't shop in a convenient location that is right next door? No, please try and drive seven or eight times the distance and, there, we'll have good policy. There, the budget will be balanced. Somehow we will make welfare reform work. This is part of an amendment on another bill. Why I couldn't vote for it then? I can't tell my people in my district or across the state who are on the border that you must shop in Maine and travel a minimum three and a three-quarter distance extra to get your groceries. I can't do it. If you think that's okay, fine, treat it as your conscience and move forward. I can tell you right now, living in a border community, it is unacceptable, unless of course you want to make up the distance for the extra travel and pay for that. By all means, I guess we could work with that, but I don't see the proposal. So I thank you for your time, your patience and your indulgence, and, please, just vote for the Majority Ought to Pass.

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

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

The SPEAKER: The Representative may pose her question.

Representative **BRIGGS**: When they use these EBT cards, when they go out of state, I know there are two sides of the card. One side is the food side and the other side is the cash side. When they go out of state, can they use the food side as well? Is that accepted in another state or do they have to use the cash side of it? Thank you.

The SPEAKER: The Representative from Mexico, Representative Briggs, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Westbrook, Representative Gattine.

Representative **GATTINE**: People can use their SNAP benefits, their food assistance benefits, out of state. It's a requirement of federal law that people be able to use their SNAP benefits when they go from state to state. Thank you, Mr. Speaker.

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'm really most puzzled by both reports on this particular bill but by the pending motion. I sat through the work session with this committee and our 13 colleagues who were sitting there and two different times, the most appropriate question was asked, once by one of the Democratic colleagues on the committee and in a similar question, not exactly the same, by a Republican colleague on the committee, and basically the question was "What can we as a

Legislature do" – they were questioning management from the Department of Health and Human Services – "What can we do that will help you get at this concern that we have about TANF being used in other states?" That same question was asked twice and the answer that the committee received was "We have all the tools we need; you really don't need to do anything right now. We've got data where we're mining that data, we're following up on it, we're using the resources that we have and we really don't need you to do anything." Now, when I hear that at my committee, usually that means there's an Ought Not to Pass motion coming and, amazingly enough, there's no Ought Not to Pass option on these bills. I am going to be voting against the pending motion because the proper motion would be Ought Not to Pass, not because I agree with the original bill but because I think that's what should have been forthcoming based on what I heard in response from the Department and I want to make sure you don't misunderstand my red light. This is an Ought Not to Pass because they have what they need. We need to leave them alone to do it. That, I think, is the best response. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Fowle.

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

The SPEAKER: The Representative may pose her question.

Representative **FOWLE**: So I'm questioning whether if a person is in California receiving EBT cards from the State of Maine, say five months in a row, are there means for the State of Maine to prosecute them? I mean, to me, that is illegal activity and I'm just questioning whether or not that is something that could be pursued by the State of Maine prosecutors.

The SPEAKER: The Representative from Vassalboro, Representative Fowle, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Westbrook, Representative Gattine.

Representative **GATTINE**: Thank you, Mr. Speaker. It is currently a violation of the DHHS rules for a person to be living out of state and collecting TANF benefits claiming Maine residency. So Maine is issuing TANF benefits to a person and there is evidence that that person is actually living out of state, evidence such as month, after month, after month, them withdrawing money from the EBT card, then the Department of Health and Human Services can take action to cut them off from receiving Maine benefits.

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 in opposition to the pending motion. I just want to make sure that everyone here understands that Maine is not an outlier with considering limiting the use of the TANF benefits placed on the EBT card within state lines. There are other states that have considered this. Minnesota has implemented a restriction to that state and those that border it, and other states have considered similar legislation. TANF is a different benefit from SNAP and there is some flexibility for the states to tailor that to their states. I support limiting the use of the card within our state borders. This does not limit an individual from traveling outside of the state. It just requires that before they go on a trip or leave the state, they would need to get their cash benefits here at home. Thank you.

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

Representative **GATTINE**: Thank you, Mr. Speaker. If we're all lucky, this will be the last time I stand up today. I just wanted to respond to the comment that the Representative from Chelsea made a few moments ago. You know, people who have gotten to know me over the last year and a half know that I'm kind of a geek and it's probably evident to the rest of you also. But I spent a lot of time looking at the Department's data, the data that the Department has actually posted on its website and if you look at the TANF transactions going back into 2011 and 2012 and the supposed exotic locations, they are extremely small. The Department's numbers that they were promoting the other day obviously include all of the staff members. So, again, the reason that the number of TANF transactions in places like Hawaii, Puerto Rico, Virgin Islands, California, Florida are extremely small. Even if you factor in 2011, 2012, they aren't nearly as large as the number the Department was talking about the other day. 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. I sponsored this bill and the reason was for the transactions that were taken out of Maine, not for the ones, I mean, closer to California and all the other states. It wasn't to prohibit the poor from being able to use their cards, because I've been poor and I was raised poor and I've had all these experiences and I could tell stories that would make your ears fall off, but I won't indulge anybody in that. But the problem and bringing up the bill sure stirred up some debate and some conversations. It's my hope that we could come to a consensus on taking the hole out of the bucket and fixing the hole and not disrupting the lives of the poor because God knows I love the poor.

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. 638

YEA - Beaudoin, Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gilbert, Graham, Grant, Harlow, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kornfield, Kruger, Kumiega, Kusiak, Longstaff, Luchini, MacDonald W, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Peoples, Peterson, Plante, Pouliot, Powers, Priest, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Welsh, Werts, Winchenbach, Mr. Speaker.

NAY - Ayotte, Beaulieu, Bennett, Chase, Clark, Crafts, Cray, Crockett, Davis, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Guerin, Harvell, Hayes, Johnson P, Keschl, Kinney, Knight, Lajoie, Libby A, Libby N, Lockman, Long, MacDonald S, Maker, Malaby, Marean, Marks, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Reed, Sanderson, Shaw, Short, Sirocki, Stanley, Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Willette, Winsor, Wood.

ABSENT - Black, Campbell R, Cotta, DeChant, Devin, Dickerson, Gideon, Gillway, Goode, Hamann, Jackson, Johnson D, Kent, McClellan, Noon, Pringle, Villa, Wilson.

Yes, 78; No, 55; Absent, 18; Excused, 0.

78 having voted in the affirmative and 55 voted in the negative, with 18 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-792)** 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-792)** and sent for concurrence.

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

On motion of Representative FARNSWORTH of Portland, the House adjourned at 6:15 p.m., until 9:00 a.m., Friday, April 4, 2014.