ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
FIRST REGULAR SESSION
50th Legislative Day
Thursday, May 30, 2013

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

Prayer by Reverend Gerald Scribner, North Saco Congregational Church (UCC).

National Anthem by Emily Bellinger, Bethel.

Pledge of Allegiance.

Doctor of the day, Challa Reddy, M.D., Dover-Foxcroft.

The Journal of yesterday was read and approved.

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act To Ensure Accountability in State Contracts"
(S.P. 406) (L.D. 1169)

Majority (8) **OUGHT NOT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** in the House on May 28, 2013.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (3) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-67)** and **ASKED** for a Committee of Conference in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Establish the Computer Crimes Unit Fund and Authorize the Department of Public Safety To Accept Donations for the Fund"
(S.P. 428) (L.D. 1234)

Majority (10) **OUGHT NOT TO PASS** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY READ** and **ACCEPTED** in the House on May 28, 2013.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (2) **OUGHT TO PASS AS AMENDED** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-114)** and **ASKED** for a Committee of Conference in **NON-CONCURRENCE**.

The House voted to **INSIST**.

COMMUNICATIONS

The Following Communication: (S.C. 406)

MAINE SENATE
126TH LEGISLATURE
OFFICE OF THE SECRETARY

May 29, 2013
Honorable Millicent M. MacFarland
Clerk of the House
2 State House Station
Augusta, Maine 04333
Dear Clerk MacFarland:

Please be advised the Senate today insisted to its previous action whereby it accepted the Majority Ought Not to Pass Report from the Committee on Insurance and Financial Services on Bill "An Act To Amend the Notice of Risk to Personal Data Act To Further Protect Consumers" (H.P. 133) (L.D. 158), in non-concurrence.

Best Regards,
S/Darek M. Grant
Secretary of the Senate

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (S.C. 407)

MAINE SENATE
126TH LEGISLATURE
OFFICE OF THE SECRETARY

May 29, 2013
Honorable Millicent M. MacFarland
Clerk of the House
2 State House Station
Augusta, Maine 04333
Dear Clerk MacFarland:

Senate Paper 589, Legislative Document 1546, "An Act To Strengthen Maine's Hospitals, Increase Access to Health Care and Provide for a New Spirits Contract," 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 15 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**.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Increase International Cross-border Partnerships To Benefit Maine's Economy"
(H.P. 1122) (L.D. 1554)

Sponsored by Representative FREDETTE of Newport.

Cosponsored by Senator SHERMAN of Aroostook and Representatives: DION of Portland, McCLELLAN of Raymond, POULIOT of Augusta, WILSON of Augusta.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** suggested and ordered printed.

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

Sent for concurrence.

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

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

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

UNFINISHED BUSINESS

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

An Act To Amend the Laws Relating to Secession by a Municipality from a County (EMERGENCY)

(H.P. 1004) (L.D. 1408)
(C. "A" H-197)

TABLED - May 23, 2013 (Till Later Today) by Representative BERRY of Bowdoinham.

PENDING - **PASSAGE TO BE ENACTED**.

Subsequently, on motion of Representative FREDETTE of Newport, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

SENATE DIVIDED REPORT - Majority (9) **Ought Not to Pass** - Minority (4) **Ought to Pass as Amended by Committee Amendment "A" (S-112)** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Establish the Mobile Crime Laboratory Fund"

(S.P. 238) (L.D. 647)

- In Senate, Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-112)**.

TABLED - May 28, 2013 (Till Later Today) by Representative DION of Portland.

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

Subsequently, the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

SENATE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (S-99)** - Minority (5) **Ought Not to Pass** - Committee on **TAXATION** on Bill "An Act Relating to the Sales Tax Exemption on Depreciable Equipment Used in Commercial Wood Harvesting"

(S.P. 272) (L.D. 734)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-99)**.

TABLED - May 28, 2013 (Till Later Today) by Representative BERRY of Bowdoinham.

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

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

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

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

ROLL CALL NO. 153

YEA - Beavers, Berry, Boland, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, Devin, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hayes, 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, Nadeau C, Nelson, Noon, Peoples, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Werts, Mr. Speaker.

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

ABSENT - Beaudoin, Beck, Bolduc, Crockett, DeChant, Herbig, Knight, Nadeau A, Peterson, Saxton, Wallace.

Yes, 85; No, 55; Absent, 11; Excused, 0.

85 having voted in the affirmative and 55 voted in the negative, with 11 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-99)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-99)** in concurrence.

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-231)** - Committee on **JUDICIARY** on Bill "An Act To Make Veterans' Property Tax Exemption Applications Confidential"

(H.P. 687) (L.D. 973)

TABLED - May 28, 2013 (Till Later Today) by Representative BERRY of Bowdoinham.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT**.

Subsequently, the Unanimous Committee Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-231)** 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**.

Representative BRIGGS of Mexico **PRESENTED House Amendment "A" (H-260)**, which was **READ** by the Clerk.

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

Representative **BRIGGS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. What this amendment does is that it attaches an emergency preamble to the bill. My tax assessor had brought this to my attention and that the veterans' property tax exemption applications be held in confidentiality to go along with the current statute of confidentiality of the accompanying documents and application. Thank you.

Subsequently, **House Amendment "A" (H-260)** was **ADOPTED**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-231)** and **House Amendment "A" (H-260)** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (9) **Ought Not to Pass** - Minority (4) **Ought to Pass** - Committee on **INLAND FISHERIES AND WILDLIFE** on Resolve, Regarding the Management of Maine's Brook Trout and Landlocked Salmon Resources

(H.P. 471) (L.D. 679)

TABLED - May 29, 2013 (Till Later Today) by Representative SHAW of Standish.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

Subsequently, on motion of Representative SHAW of Standish, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (4) **Ought to Pass as Amended by Committee Amendment "A" (H-228)** - Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Require Public Hearings by the Legislature To Be Recorded and Posted on the Internet"

(H.P. 244) (L.D. 339)

TABLED - May 29, 2013 (Till Later Today) by Representative BERRY of Bowdoinham.

PENDING - Motion of Representative GRAHAM of North Yarmouth to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report. (Roll Call Ordered)

The SPEAKER: The Chair recognizes the Representative from Winterport, Representative Brooks.

Representative **BROOKS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It's absolutely amazing how things can happen overnight. Today, I am in support of the Ought Not to Pass motion presented by the chair of the committee. I met this morning with folks in the Maine State Library and folks in our own IT Department here in the Legislature, and it looks like this may well happen. It will take a lot of work over the summer to do it, but it may well happen without legislation, and the nicest part is it may well happen without the fiscal note that's on it. Thank you, Mr. Speaker.

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

ROLL CALL NO. 154

YEA - Ayotte, Beaulieu, Beavers, Bennett, Berry, Black, Boland, Briggs, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chase, Chenette, Clark, Cooper, Cotta, Crafts, Cray, Daughtry, Davis, Devin, Dickerson, Dill, Dion, Doak, Dorney, Dunphy, Duprey, Espling, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Hamann, Harvell, Hayes, Hobbins, Hubbell, Jackson, Johnson D, Johnson P, Jorgensen, Kaenrath, Kent, Kinney, 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 C, Nelson, Newendyke, Noon, Nutting, Parry, Pease, Peavey Haskell, Peoples, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Saxton, Schneck, Shaw, Short, Sirocki, Stanley, Stuckey, Theriault, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Verow, Villa, Volk, Weaver, Welsh, Werts, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Chapman, Chipman, Evangelos, Harlow, Hickman, Jones, Keschl, Willette.

ABSENT - Beaudoin, Beck, Bolduc, Crockett, DeChant, Herbig, Knight, Nadeau A, Peterson, Wallace.

Yes, 133; No, 8; Absent, 10; Excused, 0.

133 having voted in the affirmative and 8 voted in the negative, with 10 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Resolve, To Provide a Pesticide Spraying Notification Process

(S.P. 493) (L.D. 1391)

Signed:

Senators:

JACKSON of Aroostook
SHERMAN of Aroostook

Representatives:

DILL of Old Town
BLACK of Wilton
CRAY of Palmyra
MAREAN of Hollis
SAUCIER of Presque Isle
TIMBERLAKE of Turner

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-101)** on same Resolve.

Signed:

Senator:

BOYLE of Cumberland

Representatives:

HICKMAN of Winthrop
JONES of Freedom
KENT of Woolwich
NOON of Sanford

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

READ.

Representative DILL of Old Town moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Dill.

Representative **DILL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would just call your attention to this Resolve, To Provide a Pesticide Spraying Notification Process. I just would say a few things about this. Number one, the Board of Pesticide Control actually spoke against this one, and they often don't speak against things. They are usually neither for nor against because they already have a

notification process available to folks. During the public hearing, there was only two people that spoke in favor of this particular Resolve and there was 15 plus against it. There are a couple of problems. The main problem that I personally see with it is a seven-day pre notification before spraying, and I have spent my entire professional career working on Integrated Pest Management, which is a program to minimize pesticide use on crops here in the State of Maine. As a quick example, I would point out in wild blueberries, the actual blueberry mega pest, because of IPM which was monitoring using traps, we reduced pesticide spraying in that particular crop by 70 percent because of this. Now with an IPM program, you may not know that you need to spray until maybe a day before you actually are going to spray. By putting a seven-day notification process in, this basically wipes out all integrated pest management programs that I have worked for and my colleagues have worked for and the farmers and the producers here in the State of Maine have worked for, for the last 30 years. I realize beekeepers may certainly want that seven-day notice so they can actually move their bees out, if there is going to be some pesticides sprayed in the area. Again, they can also get notified, and there are very few crops that are sprayed during bloom. Thank you, Mr. Speaker.

Representative JONES of Freedom moved that the Bill be **TABLED** until later in today's session pending the motion of Representative DILL of Old Town to **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative DILL of Old Town **REQUESTED** a roll call on the motion to **TABLE** until later in today's session pending his 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 to Table the Bill until later in today's session pending the motion of Representative DILL of Old Town to Accept the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 155

YEA - Beavers, Boland, Chapman, Chenette, Chipman, Cooper, Daughtry, Devin, Dickerson, Evangelos, Gilbert, Hamann, Harlow, Hayes, Hickman, Jones, Kaenrath, Kent, Kusiak, Libby N, Mason, McGowan, Moonen, Nelson, Noon, Rykerson, Stanley, Stuckey, Tipping-Spitz, Villa.

NAY - Ayotte, Beaulieu, Bennett, Berry, Black, Briggs, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chase, Clark, Cotta, Crafts, Cray, Davis, Dill, Dion, Doak, Dorney, Dunphy, Duprey, Espling, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gillway, Goode, Graham, Grant, Guerin, Harvell, Hobbins, Hubbell, Jackson, Johnson D, Johnson P, Jorgensen, Keschl, Kinney, Kornfield, Kruger, Kumiega, Lajoie, Libby A, Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mastraccio, McCabe, McClellan, McElwee, McLean, Monaghan-Derrig, Moriarty, Morrison, Nadeau C, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Peoples, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Sanborn, Sanderson, Saucier, Saxton, Schneck, Shaw, Short, Sirocki, Theriault, Timberlake, Treat, Turner, Tyler, Verow, Volk, Weaver, Welsh, Werts, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

ABSENT - Beaudoin, Beck, Bolduc, Crockett, DeChant, Herbig, Knight, Nadeau A, Peterson, Wallace.

Yes, 30; No, 111; Absent, 10; Excused, 0.

30 having voted in the affirmative and 111 voted in the negative, with 10 being absent, and accordingly the motion to **TABLE** the Bill until later in today's session pending the motion of Representative DILL of Old Town to **ACCEPT** the Majority **Ought Not to Pass** Report **FAILED**.

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

Representative **JONES**: Thank you, Mr. Speaker. With all due respect to my good friend and colleague, the Representative from Orono, I must speak in opposition to the pending motion. As we all know, okay, this bill, this Resolve directs the Department to establish a publicly accessible website that allows a person to place their name on a registry of those who wish to be notified of pesticide application within a given county or counties. This must allow a person who is going to apply pesticides by aircraft, enter information about the application date, time and location, types of pesticides to be applied, and other information at least a week before the application. This publicly accessible website would then generate email messages to those listed on the appropriate county registry notifying them of the application of pesticides. With all due respect, to my good colleague from Orono who is professionally more knowledgeable in the area of integrated pest management than I, I will point out that a definition of a pesticide, like homicide, like fratricide, is the "cide" part means "death." Pesticide is a killing chemical, okay, and a bee, for example, is an insect. If you are spraying a pesticide, an insecticide, by definition you run a great risk of killing, quite frankly, and I won't say endangered because that has some legal connotations, but one of our struggling pollinators, the honeybee. Secondly, it's well established data that there are humans – our fellow citizens, our children, our neighbors, our brothers, our sisters, our grandmothers, our parents – who have sensitivities to pesticides and we're talking about allergic reactions, long-term effects of exposure to toxicity. Quite frankly, it's irresponsible to allow unregulated, and, quite frankly, this is unregulated. My honeybees, for example, have a two-mile radius of travel, okay? That's 12 square miles they travel. Unless I'm an abutter, current law does not allow me to be notified. My children may want to go picnicking, okay, up in Hancock County where lord knows we have plenty of wild blueberries, for example. If I'm taking a picnic, my family should know that those pesticides are being sprayed. This is, as many of the other bills we've discussed here and will discuss, this is one of those right to know bills. We heard the phrase yesterday "advise and consent," okay? We will hear testimony later regarding labeling of genetically modified foods. We will hear the words about consumers, citizens, people's right to know. A pesticide is exactly what its name implies. It is a toxin present in our environment and the citizens have the right to know when and where these are being deployed so they may take proper measures. Thank you, Mr. Speaker.

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. 156

YEA - Ayotte, Beaulieu, Beavers, Bennett, Black, Briggs, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chase, Clark, Cotta, Crafts, Cray, Davis, Devin, Dill, Dion, Doak, Dunphy, Duprey, Espling, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Harvell, Hobbins, Jackson, Johnson D, Johnson P, Jorgensen, Keschl, Kinney, Kornfield, Kumiega,

Lajoie, Libby A, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, McLean, Moriarty, Morrison, Nadeau C, Newendyke, Nutting, Parry, Pease, Peoples, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Sirocki, Stanley, Theriault, Timberlake, Treat, Turner, Tyler, Verow, Volk, Weaver, Welsh, Werts, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Berry, Boland, Chapman, Chenette, Chipman, Cooper, Daughtry, Dickerson, Dorney, Evangelos, Hamann, Harlow, Hayes, Hickman, Hubbell, Jones, Kaenrath, Kent, Kruger, Kusiak, Malaby, Monaghan-Derrig, Moonen, Nelson, Noon, Peavey Haskell, Plante, Russell, Rykerson, Sanderson, Stuckey, Tipping-Spitz, Villa.

ABSENT - Beaudoin, Beck, Bolduc, Crockett, DeChant, Herbig, Knight, Nadeau A, Peterson, Wallace.

Yes, 108; No, 33; Absent, 10; Excused, 0.

108 having voted in the affirmative and 33 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 **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act To Allow Crossbow Hunting during Muzzle-loading Season"

(S.P. 97) (L.D. 264)

Signed:
Senators:
DUTREMBLE of York
HASKELL of Cumberland

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

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

Signed:
Senator:
BURNS of Washington

Representatives:
CRAFTS of Lisbon
WOOD of Sabattus

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

READ.

On motion of Representative SHAW of Standish, the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act To Allow a Person Who Is 60 Years of Age or Older To Use a Crossbow during the Open Seasons on Wild Birds and Animals"

(S.P. 136) (L.D. 356)

Signed:
Senators:
DUTREMBLE of York
HASKELL of Cumberland

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

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

Signed:
Senator:
BURNS of Washington

Representatives:
CRAFTS of Lisbon
WOOD of Sabattus

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

READ.

Representative SHAW of Standish moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **WOOD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill would allow anyone that's 60 years old to use a crossbow. The people who have come to us, they asked, they feel that they are older and they no longer can use a bow to hunt with so they'd like to be able to use a crossbow. That's all. I'd ask for 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 Standish, Representative Shaw.

Representative **SHAW**: Thank you very much, Mr. Speaker. Mr. Speaker, Men and Women of the House. Crossbows have obviously been around for many, many years, but modern crossbows are slightly different than crossbows of yesteryear. A modern crossbow shoots a bolt which is similar to an arrow but much shorter. The string is drawn back at all times, you don't have to hold the string back, and it has a trigger much like a rifle. Most of them are mounted with scopes. You can generally shoot a pattern at a target of just a couple of inches, even out to 100 yards with these devices now. So to allow the crossbows during primitive muzzle-loader season or during archery season, in my opinion, is not a good idea. Currently, any person that is over 70 years old can use a crossbow during any open season. This bill reduces it to 60, but I believe that if you listen to the testimony of the groups, such as the Sportsman's Alliance of Maine or the Bowhunters Association, you are going to find that a lot of people that are between the age of 60 and 70 are still very capable of using a regular compound bow. A lot of people set their compound bows up to 60 or 70 pounds, though the law allows

much less effort from the compound bow, as low as 35 pounds. So I actually shoot a regular compound bow myself, one handed for the most part, I might say, and I can find that I can still do it myself. So please follow my light on this bill and accept the Ought Not to Pass Report. Thank you very much.

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

Representative **DAVIS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I've thought about this quite a lot since the Committee Report was sent out and I have come to change my mind on it. I don't think this will add an awful lot of hunting pressure. I think that there is a lot of people that like to use crossbows and it would give a little more opportunity to them. I must say, Mr. Speaker, though, it reminds me a little bit of a story that I heard from a fellow one time at a Kiwanis meeting in Dexter, and he said that particular morning he got some good news and some bad news. He said the good news was that the life expectancy for American males had increased to 74 years old. The bad news was he was 86. I can assure you, Mr. Speaker, I am beyond 60. 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. The historical issue of crossbows versus longbows and other bows came about because of this. The longbows required almost a training from infancy. In fact, when they dig up some skeletons from the Medieval Ages, particularly the era of the Hundred Years War, they can tell by the development of the bones who the yeomen were. So it took an amazing amount of practice and technique to use the longbow. The crossbow was functionally much easier to use. You know, it involved what we call like a rifle style option, but the idea that these are rifles is delusional. When you send a projectile, whether it is from a crossbow or from a bow, they are immediately being impacted by gravity and it's the feet per second that you're pushing them at. This is what this equation boils down to. And if you have a scope or don't have a scope, it's not like you can say "My scope is on at 50 yards, therefore, I can shoot 100 yards with a crossbow." No, because, guess what? Gravity is at work and it is forcing it down on a massive level. You would have to adjust that in a great measure. You can deny all the laws you want in this room, but you can't deny physics. If you go and do a simple search on what the speed of a bow is and what the speed of the crossbow is, and if somebody wants to tell me that these are astronomical different weapons once those bolts are in the air, then I ask you to jump in your seat and see if you actually come down to earth. I urge you to vote against this motion.

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 would just caution you in your vote to think about people like myself over 60 and do you really want to give us one of these things to use.

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

Representative **SHAW**: Thank you very much, Mr. Speaker, and I would like to agree with my good friend and colleague from Farmington that gravity is at play, whether it's a rifle or a crossbow. But I would like to reiterate the fact that the crossbow, say you're sitting in a tree stand, the crossbow is cocked and all you have to do is aim through potentially a high-powered scope and pull a trigger, as opposed to a modern bow or even a longbow where, if you see the animal coming, you would have to stand. The crossbow you can fire from the sitting position. With a crossbow, unless you're really, really strong with a compound or a longbow, you do have to stand, draw the bow back and hold the string until you have a capable shot. So the crossbow does function much like a rifle in the fact that it's cocked and ready to fire and all you have to do is pull the trigger. So I certainly wasn't trying to portray the bolt compared to a modern rifle shell after it's left the weapon, but the weapon fires much the same and I would again urge you to support the pending motion. Thank you very much.

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. 157

YEA - Ayotte, Beavers, Berry, Boland, Briggs, Campbell J, Carey, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Clark, Cotta, Daughtry, Devin, Dickerson, Dill, Doak, Dorney, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Guerin, Hamann, Hayes, Hobbins, Hubbell, Johnson P, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kinney, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald S, MacDonald W, Malaby, Marean, Marks, Mason, Mastraccio, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Nutting, Peavey Haskell, Peoples, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Volk, Weaver, Welsh, Werts, Wilson, Winsor, Mr. Speaker.

NAY - Beaulieu, Bennett, Black, Campbell R, Cooper, Crafts, Cray, Davis, Dunphy, Duprey, Gifford, Gillway, Harlow, Harvell, Hickman, Jackson, Johnson D, Libby A, Lockman, Long, Maker, McClellan, McElwee, Newendyke, Parry, Pease, Rykerson, Sanderson, Sirocki, Timberlake, Turner, Tyler, Willette, Winchenbach, Wood.

ABSENT - Beaudoin, Beck, Bolduc, Brooks, Crockett, DeChant, Dion, Herbig, Knight, McCabe, Nadeau A, Peterson, Wallace.

Yes, 103; No, 35; Absent, 13; Excused, 0.

103 having voted in the affirmative and 35 voted in the negative, with 13 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Resolve, To Direct the Department of Economic and Community Development To Adopt Certain Eligibility Requirements Regarding Community Development Block Grants

(S.P. 560) (L.D. 1499)

Signed:
Senators:
CLEVELAND of Androscoggin
CUSHING of Penobscot

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

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

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 the Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.

READ.

On motion of Representative BERRY of Bowdoinham, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-135)** on Bill "An Act To Provide Consistency in the Application of the Property Tax Exemption for Religious Organizations"

(S.P. 343) (L.D. 998)

Signed:

Senators:

HASKELL of Cumberland
MILLETT of Cumberland
THOMAS of Somerset

Representatives:

GOODE of Bangor
BENNETT of Kennebunk
BROOKS of Winterport
JACKSON of Oxford
KNIGHT of Livermore Falls
LIBBY of Lewiston
MAREAN of Hollis
STANLEY of Medway
TIPPING-SPITZ of Orono

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

Signed:

Representative:

MOONEN of Portland

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-135)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-135)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-135)** in concurrence.

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

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Increase Public Awareness Regarding School Budget Elections"

(H.P. 258) (L.D. 383)

Signed:

Senators:

MILLETT of Cumberland
JOHNSON of Lincoln

Representatives:

MacDONALD of Boothbay
DAUGHTRY of Brunswick
HUBBELL of Bar Harbor
JOHNSON of Greenville
KORNFIELD of Bangor
MAKER of Calais
NELSON of Falmouth
RANKIN of Hiram

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-253)** on same Bill.

Signed:

Senator:

LANGLEY of Hancock

Representatives:

McCLELLAN of Raymond
POULIOT of Augusta

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

READ.

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

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-245)** on Bill "An Act To Protect Charter Schools by Requiring Them To Be Operated as Nonprofit Organizations"

(H.P. 463) (L.D. 671)

Signed:

Senators:

MILLETT of Cumberland
JOHNSON of Lincoln

Representatives:

MacDONALD of Boothbay
DAUGHTRY of Brunswick
HUBBELL of Bar Harbor
KORNFIELD of Bangor
NELSON of Falmouth
RANKIN of Hiram

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

Signed:
Senator:
LANGLEY of Hancock

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

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-245)** Report.

READ.

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

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

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

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

Representative **DAUGHTRY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I want to rise and speak about this bill. I sponsored this bill in an effort to ensure that the 10 charter schools that we have here in Maine are the best of the best. For-profit charter schools throughout the country have a track record of not succeeding and in fact students who attend these schools tend to not get the same sort of academic achievement that students in nonprofit schools nationwide have. I urge you to follow my light on this and take a strong stand for having strong, organic, made for Maine charter schools. Thank you.

The SPEAKER: The Chair recognizes the Representative from Raymond, Representative McClellan.

Representative **McCLELLAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I was going to let this just go. I thought we were just going to vote on it. But I would dispute the idea that charter schools have a bad record. I think there are many records where charter schools are working. I'm from New York, actually, and in many cases, I read articles all of the time about how it's saving people's lives by giving them opportunity. We, I think, have 15 or 20 bills like this in our committee on charter schools, and somewhere maybe in the 10 range, when I heard the sponsor say, "I like charter schools, but…" I started to think, "Well, maybe they don't." So I know on our side we value the opportunity it gives kids. There was a lot of bills we heard this year about new issues that were voted in last year that the lobbyists and people in the audience said, "Give them time, let it gestate a little bit." But with charter schools, it was we needed to fix it now, fix it now, fix it now. So I guess what I'm saying, Mr. Speaker, is we just voted in charter schools, it was a bipartisan approach over the last two years, and I would ask people to vote against this and to let charter schools work. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Greenville, Representative Johnson.

Representative **JOHNSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think at this point we have a charter commission that is doing an outstanding job filtering the applications that they have. I believe this is an unneeded restriction at this point in time and part of the argument against this was that you should be a nonprofit or a government agency to run something more efficiently, and, to me, that's an upside down argument. So I would ask people to vote against this motion. Thank you.

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

Representative **DAUGHTRY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I apologize for rising a second time. I just wanted to clarify one element of this bill. This is not an anti-charter-school bill. This is about making sure that the schools that we have are not from the for-profit entities which have been shown to not have as great a scores on the AYP, the adequate yearly progress. They have been shown to be falling behind nationwide on the No Child Left Behind and really this bill came from, I believe, that profit motives really shouldn't be determining our children's future. I actually discussed this bill with the Maine Charter School Commission and made it clear with them and had a great conversation. They are doing great work, they are filtering these applications, and I saw this bill as a way to make that work easier to make sure that the schools that they approve and that go through the RFP are unique to Maine, that they think through the needs of our students, and so that we really do have 10 extraordinary charter schools here in Maine that are a model for where we should be going in education, not for-profit entities whose goal is the bottom line. Thank you.

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

ROLL CALL NO. 158

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

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

ABSENT - Beaudoin, Beck, Bolduc, Crockett, DeChant, Graham, Herbig, Knight, Nadeau A, Peterson, Wallace.

Yes, 85; No, 55; Absent, 11; Excused, 0.

85 having voted in the affirmative and 55 voted in the negative, with 11 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-245)** 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-245)** and sent for concurrence.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-262)** on Bill "An Act To Amend the Maine Juvenile Code and Related Statutes"

(H.P. 782) (L.D. 1112)

Signed:
Senators:
GERZOFSKY of Cumberland
DUTREMBLE of York
PLUMMER of Cumberland

Representatives:
DION of Portland
CASAVANT of Biddeford
KAENRATH of South Portland
LAJOIE of Lewiston
MARKS of Pittston
PEASE of Morrill
PLANTE of Berwick
TYLER of Windham
WILSON of Augusta

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.
Signed:
Representative:
LONG of Sherman

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-262)** 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-262)** and sent for concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-254)** on Bill "An Act To Further Ensure Effective Teaching and School Leadership"

(H.P. 809) (L.D. 1144)

Signed:
Senators:
MILLETT of Cumberland
JOHNSON of Lincoln

Representatives:
MacDONALD of Boothbay
DAUGHTRY of Brunswick
HUBBELL of Bar Harbor
KORNFIELD of Bangor
NELSON of Falmouth
RANKIN of Hiram

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.
Signed:
Senator:
LANGLEY of Hancock

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

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-254)** Report.

READ.

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

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

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

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

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

The SPEAKER: The Representative may pose his question.

Representative **DEVIN**: Thank you very much. I would like to know how much it's going to cost to carry through on these teacher evaluations, if anyone can quantify that for us, and is this actually an unfunded mandate. Thank you.

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

Representative **MacDONALD**: Mr. Speaker, what this bill does is it simply requires the Commissioner of the Department of Education, if funds are available, to make those funds available through a grant process to those school units that are making progress towards developing a teacher and principal evaluation system. So all it does is says, if funds are available, we'll make them available to these systems that are making progress on teacher evaluations. So I believe it would not be a mandate. It's, if funds are available, the state will supply them two systems that are moving ahead with teacher evaluation and principal evaluation.

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. 159

YEA - Beavers, Berry, Boland, Briggs, Brooks, Campbell J, Carey, Cassidy, Chenette, Chipman, Cooper, Daughtry, Devin, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hayes, Hickman, 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, Noon, Peoples, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short,

Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Werts, Mr. Speaker.

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

ABSENT - Beaudoin, Beck, Bolduc, Crockett, DeChant, Herbig, Kaenrath, Knight, Nadeau A, Peterson, Pouliot, Wallace, Wilson.

Yes, 84; No, 54; Absent, 13; Excused, 0.

84 having voted in the affirmative and 54 voted in the negative, with 13 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-254)** 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-254)** and sent for concurrence.

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought Not to Pass** on Bill "An Act To Minimize the Use of Plastic Bags"

(H.P. 919) (L.D. 1292)

Signed:

Senators:

BOYLE of Cumberland
SAVIELLO of Franklin

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-246)** on same Bill.

Signed:

Senator:

GRATWICK of Penobscot

Representatives:

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

READ.

Representative WELSH of Rockport moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

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

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

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. This came before our committee and, in general, what I do is I ask myself when listening to testimony and come to a conclusion, ask "What is the issue?" "Will this bill fix the issue?" and then "What is the ramifications of our actions as a legislative body on the people we have been sent here to represent?" I'm new, but I'm also old, and things travel in cycles. I was here when clear-cut was a big issue, to cut a tree and to put trees into paper bags was a big issue. Plastic bags was the solution to that and here we are now trying to eliminate the plastic bags. I spent a lot of time thinking about this issue and trying to fix the solution. On the weekend, I collected a few of the plastic bags and at Hannaford, the bag says, "20 percent recycled material." It also says, "Use as many times as you can and bring them back and we will recycle them." Other bags have similar notes on them. What is the issue here? We're trying to eliminate some of our waste stream and there is nobody that is more affected, as you ride up the interstate and see those plastic bags in the tree, than me. I'm a green builder. Reuse is very important to me. But I lay awake at night, lose sleep over this issue because I've stood in the line and watched the young family and the mother who has to put food back at the grocery store because she doesn't have enough money to pay for that food. Some families go through the clothes washer and dryer to pick up enough change to get that food. I think that the Legislature could be and should be very concerned about that, and to put this burden on those people who can least afford it makes no sense to me. When we've gone through the paper bag cycle, we're about to diminish the effects of plastic bags because those who offer them are concerned enough to recycle and encourage, but we can't mandate on the people something they're not willing to receive. I've been in passive solar for a lot of years, 40, and early on, gas lines, I thought, would bring the education to the people that says we ought to think about something different. Just prior to our present $4 a gallon gas, I figured now is the time. It's going to happen, the education, it's going to come because the forces, the market forces, the concern about energy are going to change things. To put deposits or a cost on the people that can least afford it makes no sense to me. There are other ways. The market is going to change this. So obviously I would recommend that you vote against the motion before you and proceed to the Ought Not to Pass. 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 want to ask you to imagine a headline in the Maine newspapers, or even worse, the *Boston Globe* or the *New York Times* or Down East Magazine. The headline will be "Maine will deposit millions of plastic bags in the ocean over the next two years." The purpose of this bill is to change this headline and dramatically reduce the use of single use plastic bags in the State of Maine. The current estimates are that we will use 600 million plastic bags a year. This means that in the term of the 126th Legislature, there will be 1.2 billion more plastic bags in Maine. It is estimated that millions of these will end up in our precious ocean. This proposal is to charge each customer a 5¢ fee, if they choose to use a single use plastic bag for their purpose. Three cents of this fee would be collected to pay all administrative costs and for a state fund to

reduce plastic waste. Two cents of this would go to the merchant for their related costs. This model has been used in other areas of the country and has been highly successful. The District of Columbia reduced their plastic bag use from 22 million per month to 3 million in a period of two years. The voluntary efforts by Maine merchants over the past several years have only resulted in about a 10 percent reduction in supermarket bags, but overall only about 1 to 2 percent of plastic bags get recycled in Maine. In my discussions about this bill, I have heard a lot of support. There has been almost universal acknowledgement that the proliferation of plastic bags in our state is a problem, and to quote my good colleague from Caswell, he'd like to see all plastic bags banned.

There has also been opposition expressed about this bill. The statements of opposition are built around the following statements. In opposition, they say, "This is another tax." There are already two levels of taxes you are paying related to plastic bags. The first is at the local level. You are paying taxes for the collection and the disposal of your trash which includes thousands of plastic bags. You are also paying state taxes for the collection of trash along our highways and byways. They pick up and dispose of thousands of plastic bags. State taxes are also used to operate our two solid waste landfills of which the largest one is predicted to only last eight more years. Reducing hundreds of millions of plastic bags from our waste stream will reduce the need for these taxes. So this fee will actually reduce the use of tax dollars.

They also say in opposition, "Poor people cannot afford 5¢ a bag." For the people who raised this issue, I ask you, why would you assume a person with limited financial means would not be the first to use a reusable bag? It is important to realize that if they choose to use a plastic bag, that's their personal choice. But it's also important to realize that built in to their grocery bill is the cost of paying for all of these plastic bags.

They also say in opposition, "This is a burden and added cost for business." This bill provides 2¢ per plastic bag used to businesses for their added cost of administration and paper bags if a reusable bag is the customer's choice. The cost of the 600 million plastic bags used per year in Maine is currently built into the price of the products and services that you buy in the grocery store. The expanded use of reusable bags will take away this cost. There are businesses like BJ's in Portsmouth, New Hampshire, and in many cities and states, that do business this way every day. This has had no financial impact on these businesses.

They also say in opposition, "There are really important problems to be solved rather than dealing with a minor issue such as plastic bags." We are faced with enormous challenges including climate change, limited financial resources, improving public education, health care costs and improving our economy, and decreasing gun violence in our society. We bring this bill forward with the belief that it is good for all of us to identify some smaller scale issues as a way to make progress in some areas and to demonstrate to ourselves and others that there is always opportunities and possibilities for progress. This is a way to build hope and confidence that we can move forward on the larger issues.

The most dramatic demonstration of how outrageous our neglect of our use of plastic products is what has been named the Great Pacific Garbage Patch. This is an area of drifting plastic in the middle of the Pacific Ocean, reported by scientists to be the size of Texas and 10 meters deep. There is also a similar plastic garbage patch in the North Atlantic. This garbage mass can also be measured in square miles. It is now reported that there are 60 pounds of plastic for every pound of zooplankton in these massive ocean trash islands we are creating. I would hope as an ocean coastal state we will find these massive areas of plastic pollution alone a motivation to take action. I ask you to join me. Please support this bill. Together we can do this. In closing, I offer you a different headline for those newspapers or magazines, and that headline would be "Maine Legislature passes legislation using a proven model that will prevent millions of plastic bags from being deposited in the ocean over the next two years." Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from South Berwick, Representative Beavers.

Representative **BEAVERS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the motion on the floor. Like the good Representative from Cape Neddick, I have a constituent who lives in my district but works in Washington, D.C., and she brought this to my attention as constituents in Cape Neddick brought it to his attention. This bill offers a win-win-win situation for Maine. It provides a mechanism to reduce pollution in our environment, which is our quality of place brand to attract tourists and businesses. Two, it provides revenue to businesses for administrative costs while reducing or eliminating a line-item cost for bag orders. Three, it provides revenue to the state to fund the Plastic Recycling Fund administered by the Department of Environmental Protection. Officials in Washington, D.C., are rejoicing over the plastic bag fee that has generated millions of dollars for their cleanup and protection fund. Opinion Works surveys indicated that Washington, D.C., residents have reduced their plastic bags by 75 percent in two years and that more than 85 percent of the businesses reported a neutral or positive impact from the fee. Keep in mind the population of Washington, D.C., is about 60 percent of Maine's population according to the 2010 U.S. Census, so the revenue could be even greater here. As was indicated, the original fiscal note on this bill is way off. It will actually bring significant dollars to our state.

This bill takes the next step since the passing of the Resolve, LD 367, in the 124th Legislature, which was "To Convene a Work Group To Design and Implement a Statewide Disposable Checkout Bag Reduction Campaign, with Benchmarks." The work of the stakeholders group resulted in a very fine program called "Got Your Bags, Maine?" program, which unfortunately has not had the funds to gather data on its effectiveness. Not one person who testified against this bill could indicate that the benchmarks of the January 25, 2010, report were reached. We don't know because there is no funds to collect that data. Revenue generated from the passage of this bill could help that situation. With eight states considering a ban on plastic bags and another eight states proposing a fee on the use of plastic bags, three of which are other New England states, according to the National Council of State Legislatures, it is time for Maine to live up to its motto "Dirigo" and lead by implementing LD 1292. This is an incentive to clean our environment and spend less on cleanup. One of the things that was mentioned was about reusing and recycling; I totally agree, but the other one is reduce. Our elementary school kids learn that every year. Reduce, reuse, recycle. I think it's something that we all need to remember. And secondly, on that issue, this is no different than the 5¢ deposit on your – well, it's not exactly the same, but it's similar to the 5¢ deposit you make on your cans and bottles. I am asking you to pass LD 1292 for the benefit of the people and the environment of Maine. 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. When I have heard the debate on this, one thing stands out to me and that is that I see this 5¢ on a bag as a regressive tax on the poor and something that they cannot afford. The other thing that stands out to me is the Committee Report which appears as though in one Committee Report there is a bipartisan group and in one there isn't, and I would ask that the Clerk read the Committee Report.

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

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

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

Representative **DEVIN**: Thank you very much, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We see plastic grocery bags blowing in the wind regularly. Mr. Speaker, our colleagues will likely see some as they return home, to the Senator Inn or wherever they head after this session if you allow us to end before it gets dark. Many of the grocery bags cast to the wind end up in our river ways. Like sediment, leaves and organic debris, plastic bags readily flow through our river systems. Along the way, some of the bags get caught on rocks, branches and logs stuck in the mud.

Over the past 16 years, I have worked in the following oceanic rivers: the Kennebec, Sheepscot, Damariscotta, Pemaquid, Medomak, St. George, Oyster, Penobscot, Bagaduce, Harrington, East Machias, Dennys, and St. Croix. They are all beautiful rivers in their own way. They also have one other trait in common. I have never worked in any of these rivers without seeing multiple plastic bags traveling with the flow or snagged on an object. Ultimately, most of these bags end up in the ocean. Many of them will make their way to the North Atlantic Garbage Patch which is an area of manmade marine debris found floating within the North Atlantic Gyre, originally documented in 1972. This patch is estimated to be hundreds of miles across with a density of over 600,000 pieces of debris per square mile. Out of sight should not be out of mind.

I am old enough to remember the days before can and bottle deposits. Our roadways were one long ribbon of littered beer cans and soda bottles. The bottle deposit has changed the way we dispose of our cans and bottles. I would love to see plastic grocery bags removed from our environment without the aid of a bill like LD 1292. However, we humans are reluctant to change our behavior without an incentive and it's quite obvious when it comes to grocery bag litter we need that incentive. I urge you to support LD 1292. And I'd like to add that right after my good seatmate from York finished his talk, he was delivered a message from our Honorary Page, Master Ethan Overlock, and after Ethan passed him the note, he went like this (*thumbs up*). "Good speech." I want you to think of that as you cast your vote today. Thank you and thank you, Ethan.

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. We had a lot of debate about this bill on committee and with all due respect to my good friend from Orrington, who asked, "What is the issue?" I would like to explain what the issue is. The issue is that during our term here in the Legislature there will be 1.2 billion new single use plastic bags put into our environment just here in the State of Maine, and approximately 100 million of these will end in our oceans, and the issue is that these bags are not being recycled. Contrary to what was stated on the flier that was circulated by my good friend from Orrington, consumers are not recycling plastic bags. In fact, less than 2 percent of them are being recycled today. Our tax dollars are paying for the remainder to be trucked to landfills and incinerators, collected off our beaches, highways and byways, and from our city streets and parks. People are going to continue to use more and more plastic bags. Why wouldn't they? It doesn't cost them anything. The fact of the matter is nobody is required to pay anything under this bill because if they use a paper bag or reuse a bag, they actually will get 2¢ back or 5¢ back, depending on what store they go to and so there is no cost to them at all. It's only a cost if they choose to continue to use single use plastic bags.

Also, it was stated, the point about poor people and what they can afford and what they can't afford. Let me talk to you about poor residents. I grew up in a low-income household. I represent one of the lowest income districts in the state. The average household income is $22,000 a year in my district and within walking distance of my district, there is a store called Save A Lot. Save A Lot charges 10¢ per plastic bag for each bag that people use; that's a store policy, and a lot of low-income constituents in my district shop there. They bring bags in there to reuse and if they have to buy one, they only use and buy what they need, and people still go there. The store is doing plenty of business and it's not having any negative impact on people. So I would urge you to please join me in supporting the pending motion. Thank you.

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. Ironically, I am in support, I would be in support of Representative McGowan's bill if it went a little farther and completely eliminated the plastic bag. I am from Aroostook County and I spent many years traveling the woods of Aroostook County identifying birds and wildflowers, and nothing would upset me more than to see a plastic bag in some remote lake or a wood road. I am termed out, but if the good Representative McGowan would agree to resubmit this bill next year, next legislative session, I would come down from Aroostook County and testify in favor of it, if it was to eliminate the plastic bag. I would like to see it replaced with paper bags so the wood industry would have more business.

I want to mention that during testimony, the DEP, which traditionally and customarily is in favor of a bill like this, testified against this bill. They would have no way, if I remember correctly, they had no way of enforcing the bill. I do want to also add or mention that 10¢ a bag or 5¢ a bag or whatever, I believe the amendment was 5¢ a bag, would cost the consumer in Maine approximately $30 million, the people who can afford it the least. However, I will reiterate that if Representative McGowan resubmits this bill in the next legislative session, I will testify in favor of if it is to eliminate totally the plastic bag in our environment. Thank you very much, Mr. Speaker.

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. We know what the fix is and we know what the problem is that needs to be fixed, and I don't think that anything more has to be said about that, and I see this as a small fix for a very, very large problem and the simplicity of the fix is what is so attractive about it. The fee for using a reusable plastic bag is meant not as a way to gain revenue for the state, although that revenue would be put to good use; rather it is an incentive to change behavior and as has been said here, the rich as well as the poor can be lazy and not remember to bring their reusable bag into the store. I admit that I am one of the worst offenders. My car is filled with canvas bags

that I always mean to bring into Hannaford and I never remember, and when I get there I am too lazy to go back to the car and get it. Well, if I had to pay just 5¢, it's not a lot of money for somebody who is not poor, I would do it. I just know that's enough to change my behavior and it certainly would be enough to change the behavior of people for whom every penny counts. I sat in my Hannaford one day watching the checkers as they filled bags for people in Yarmouth. It's not a poor town. It's got some wealthy people, but it also has some people who are struggling. But by and large, it's a solidly middleclass town. People who care about the environment, people who can afford the fee of 5¢ were it to be added. I sat there and watched person after person ask for plastic. It's easier. You can carry six bags in each hand. Okay, that's nice. But if they had to pay the fee, I am willing to bet that Maine would go the same way as Washington, D.C., as Hawaii, as Rhode Island, as San Francisco, as Los Angeles, as Portland, Oregon, all of whom have seen tremendous drops in the number of plastic bags used because of imposing schemes like this. They work. You can't argue with success. It doesn't take very much to change human behavior, if you give them enough of an incentive, and sometimes that incentive can be as little as a nickel. I found it interesting that one of our young pages here gave a thumbs up sign. Our children are taught of the perils of pollution and the perils of using plastic and not disposing of them. In fact, plastic can't be disposed of. Even the biodegradable plastic takes 100 years to biodegrade. They last basically forever. They are fouling our oceans, our streams, our rivers, our lands. How can we not afford to engage in this…

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

Representative **CAMPBELL**: Mr. Speaker, I make a motion to move the question.

The SPEAKER: The Chair would remind the Representative that moving the question is not a Point of Order. The Representative may proceed.

Representative **COOPER**: Thank you. I understand that we've been talking too long and I will cut my remarks. As has been said, the District of Columbia cut their use of plastic bags by 75 percent. I lived in Washington, D.C., for about 20 years. There are a lot of poor people in Washington, D.C. That means that many poor people were very able to change their behavior, to not use plastic bags, to not waste their precious dimes and nickels on plastic bags. So I think it is condescending to assume that they are unable to change behavior like everybody else. This is good for them, both for their savings and for the environment in which they are bringing up their children. So I ask you to look at the examples around the nation that have proven that this works, and in Maine, which has so much to protect and preserve, it's vitally important that we follow their lead. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **SHORT**: Yes, Mr. Speaker. I'd like to know if during the workshop discussions regarding this issue, if paper bags were considered at all as a preferable replacement for the plastic bags.

The SPEAKER: The Representative from Pittsfield, Representative Short, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Harlow.

Representative **HARLOW**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The good Representative from Pittsfield just took the words out of my mouth. I was going to say that one thing I haven't heard said was that you can always request a paper bag. Thank you.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Boland.

Representative **BOLAND**: Thank you, Mr. Speaker. I just wanted to add a small note is that if there is a problem about the cost of the plastic bags, they do last so long that a small investment in five or 10 bags, you can reuse those and keep bringing them back. That's all. Thank you.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I apologize for rising again. We heard a little bit about ocean dumping. I missed that in the testimony. We were more concerned with landfills, so to broaden it, I am confused. What bothered me most about this bill that started off as a 10¢ fee was a fee on the consumer. The other element was a 2¢ processing fee or reward that would go to the businesses. But the one thing that we forgot was the cost to the consumer. Why are we overlooking those who are hurt the most? A 10¢ fee with a 2¢ reward to comply with the regulations that we impose on the businesses, what about the penalty that we are imposing on the consumer, the consumer who can least afford it? It talks about incentive in some of this debate. It's not an incentive, it's a penalty to change the behavior of those who don't understand. How arrogant of us in this body to impose our wishes on those who can least afford it. It doesn't make any sense to me. It's as though we're saying, "We will, you will and you'll thank us for it." Please oppose this motion.

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

ROLL CALL NO. 160

YEA - Beavers, Beck, Berry, Boland, Brooks, Carey, Casavant, Cassidy, Chapman, Chipman, Cooper, Daughtry, Devin, Dickerson, Dion, Dorney, Farnsworth, Frey, Gattine, Gilbert, Goode, Hamann, Harlow, Hayes, Hickman, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Kusiak, Lajoie, Libby N, MacDonald W, Mason, McCabe, McGowan, Monaghan-Derrig, Moonen, Morrison, Nadeau C, Nelson, Noon, Peoples, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saxton, Schneck, Shaw, Short, Stuckey, Tipping-Spitz, Treat, Welsh, Mr. Speaker.

NAY - Ayotte, Beaulieu, Bennett, Black, Briggs, Campbell J, Campbell R, Chase, Chenette, Clark, Cotta, Crafts, Cray, Davis, Dill, Doak, Dunphy, Duprey, Espling, Evangelos, Fitzpatrick, Fowle, Fredette, Gideon, Gifford, Gillway, Graham, Grant, Guerin, Harvell, Hobbins, Jackson, Johnson D, Johnson P, Keschl, Kinney, Kumiega, Libby A, Lockman, Long, Longstaff, Luchini, MacDonald S, Maker, Malaby, Marean, Marks, Mastraccio, McClellan, McElwee, McLean, Moriarty, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Plante, Pouliot, Powers, Reed, Sanderson, Saucier, Sirocki, Stanley, Theriault, Timberlake, Turner, Tyler, Verow, Villa, Volk, Weaver, Werts, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Beaudoin, Bolduc, Crockett, DeChant, Herbig, Knight, Nadeau A, Peterson, Wallace.

Yes, 63; No, 79; Absent, 9; Excused, 0.

63 having voted in the affirmative and 79 voted in the negative, with 9 being absent, and accordingly the Minority **Ought to Pass as Amended** Report was **NOT ACCEPTED**.

Subsequently, on motion of Representative WELSH of Rockport, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

On motion of Representative SCHNECK of Bangor, the House adjourned at 11:03 a.m., until 9:00 a.m., Friday, May 31, 2013.