

MAINE STATE LEGISLATURE

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

Daily Edition

First Regular Session

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ENACTORS
Emergency Mandate

Resolve, Directing the Commissioner of Education To Adopt a Policy Regarding Management of Head Injuries in Youth Sports (H.P. 84) (L.D. 98)
(S. "A" S-340 to C. "A" H-519)

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. 82 voted in favor of the same and 45 against, and accordingly the Resolve **FAILED FINAL PASSAGE**, and was sent to the Senate.

Mandate

An Act To Require the Inclusion of a Financial Statement on School Administrative Unit Bond Obligations When Voting on a School Construction Project

(H.P. 275) (L.D. 349)
(S. "A" S-346 to C. "A" H-124)

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. 43 voted in favor of the same and 85 against, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED**, and was sent to the Senate.

Mandate

An Act To Provide a Property Tax Exemption for Family Burying Grounds

(H.P. 816) (L.D. 1081)
(S. "A" S-354 to C. "A" H-476)

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. 45 voted in favor of the same and 85 against, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED**, and was sent to the Senate.

Mandate

An Act To Amend Standards for Participation in Certain Public School Services by Students Who Are Homeschooled

(H.P. 888) (L.D. 1197)
(S. "A" S-356 to C. "A" H-571)

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. 69 voted in favor of the same and 59 against, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED**, and was sent to the Senate.

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

Governor **LePAGE**: As the session is coming to a close, I think it appropriate for me to come up and, one, to thank you all for all the hard work, difficult work, challenging work at times, and at the same token to remind everyone that we have been sent here to do a job by the people of the State of Maine. In the last six months, we have attempted to put forth to you, and in front of the Senate, those items that we campaigned on very strenuously over a year and a half.

Recently, and many of you have seen it, we had polls taken on where we stand on certain issues and I'd like to say to all of you that some of the key reforms that were necessary to, one, keep our bond rating, you've addressed. At least we've addressed it and made a start with it. I think it was very important that to the rating agencies that we improve our cash flow, that we put some money into the rainy day fund, and that we reform or we address our unfunded liability. I commend you all for the fine work that was done on the pensions. I think that the work done on the state pensions is fabulous. I think it's really good work, it was hard work, but we got through a very, very difficult challenge.

Tax reform is another area where I believe we have done something that has not been done for a long time, probably never in the State of Maine. We've addressed the poorest people in the state and we've taken them off paying income tax and at the same token we've looked at business and we've opened up areas where if we're going to prosper, we are addressing it and we're giving them some opportunities.

We've corrected a major reform in health care. I believe LD 1333, it is the one piece of legislation that I particularly take pride of and I thank you all so much. That is a wonderful piece of legislation and over the years you are going to see Maine being a top notch, it's going to go back to the top, not only in affordable health care but in quality health care.

There still needs a lot to be done. By reforming the tax side, one area that we need to look at when we come back in January is the spending side because you can lower the taxes, but if you don't address spending in the same way that you lower the taxes, you're just making it a short-term reform. If we're going to improve Maine we have to make it a long-term reform and we have to address some of the issues that are some of our spending challenges.

In the next six months, we are going to go through every agency and look at every line item that they spend and we will have a package for you in January to address, to see how we can reform and make government more efficient. We are going to have to address education and welfare. I think we've started on education. I think that we have the opportunity to lower the cost and improve the product, and I think that's the goal and Commissioner Bowen is dedicated and committed to doing just that.

In the welfare areas I will say that we've made and started, but we need to address the big picture. We need to be competitive with 49 other states on welfare and we are not. There are 47 states that are less generous than Maine. And it's nice to be generous and I wish we could afford it, but generosity starts at home. I'm urging you to make the reforms necessary in the next session to help Maine people.

This morning I got a report on energy. Last year, we were ranked number 12th of the highest cost of energy in the country. This week we are now ranked number eight. We have some of the highest energy costs in the nation and if we want to prosper, if we want to put our natural resources and our farms and our fishing industry back into a position where they are going to be profitable, we simply need to address our energy costs.

Now we have the highest renewable portfolio in the nation. We are at 34 percent, and with the energy bill passed this year,

we're heading to 44 percent. I would love to tell you that renewable energies are the way to go and that's going to lower the costs, but it isn't. It's the simple fact, we can agree or disagree, but right now we are paying 15.9 cents per kilowatt hour, on average, with a nation that is just around 12. We cannot attract businesses that are energy users in that environment. We have started the job. I'm going to ask you to finish it in the January session.

The other thing and I do want to thank each and every one of you, we haven't completed the job, but at least we have it on the table for discussion. When you go home this summer, I would urge you all to speak to your constituents about some of the things that they want because the one thing that I'm finding out on a monthly basis when we go do our Capitol for a Day is there are several issues, energy being one of them, but we had a discussion on the right to work that went down to fair share.

I'm going to ask you all to look deep in your heart and say is it right, is it right to force someone to pay to keep a job? I maintain that there's absolutely nothing wrong with being in organized labor and the success of organized labor is if they add value to their product. If they add value and they have a good product like many unions around the country, many unions around the country, instead of getting involved in political campaigns, they get involved in self development for their people and provide training for their people so that we have a better product.

So I'm going to ask you for fair share next year again. It's very, very important for the people that work for the state, it's important for the morale of the people who work for the state that don't want to have to pay. Now do they lose protection? Absolutely and they ought to, but I think we have to have an equal playing field. I find it very disheartening to say you can't work here unless you pay so much a week.

With that, I think there was a lot, a lot of good work done this year. I think we probably moved the state forward in legislation, in actual bipartisan legislation, far more than we have in many, many years. I thank you all. Have a good summer. Rest up because we're going to have a tough agenda in January. Thank you.

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

ENACTORS
Acts

An Act To Allow a Student Attending Private School Access to Public School Cocurricular, Interscholastic and Extracurricular Activities

(H.P. 662) (L.D. 903)
(CC. "A" S-331)

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

On motion of Representative CAIN of Orono, 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. 219

YEA - Ayotte, Beaulieu, Black, Boland, Burns DR, Casavant, Celli, Chase, Clark T, Cotta, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dow, Dunphy, Espling, Fitts, Fitzpatrick, Flood, Fossel, Foster, Fredette, Gifford, Gillway, Guerin, Hamper,

Hanley, Harlow, Harmon, Harvell, Hogan, Johnson D, Johnson P, Keschl, Knapp, Knight, Long, Maker, Malaby, McClellan, McKane, Morissette, Moulton, Nass, Newendyke, O'Connor, Olsen, Parker, Parry, Peterson, Picchiotti, Plummer, Prescott, Richardson D, Richardson W, Rioux, Rosen, Sanderson, Sarty, Sirocki, Strang Burgess, Tilton, Timberlake, Turner, Tuttle, Volk, Waterhouse, Weaver, Willette A, Winsor, Wood, Mr. Speaker.

NAY - Beaudoin, Beavers, Beck, Bennett, Berry, Blodgett, Bolduc, Briggs, Bryant, Cain, Carey, Chapman, Chipman, Clark H, Clarke, Cornell du Houx, Dill J, Eberle, Edgcomb, Flemings, Gilbert, Goode, Haskell, Hayes, Herbig, Hinck, Hunt, Innes Walsh, Kaenrath, Kent, Kruger, Kumiega, Lajoie, Longstaff, Lovejoy, Luchini, Maloney, Martin, McCabe, McFadden, Morrison, Nelson, Peoples, Pilon, Rankin, Rochelo, Russell, Sanborn, Shaw, Stevens, Theriault, Treat, Valentino, Webster.

ABSENT - Beliveau, Bickford, Burns DC, Cebra, Crafts, Dion, Driscoll, Duchesne, Eves, Graham, Libby, MacDonald, Mazurek, O'Brien, Priest, Rotundo, Stuckey, Wagner R, Welsh, Willette M, Wintle.

Yes, 75; No, 54; Absent, 21; Vacant, 1; Excused, 0.

75 having voted in the affirmative and 54 voted in the negative, 1 vacancy with 21 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Correct Errors and Inconsistencies in the Laws of Maine

(H.P. 1089) (L.D. 1480)
(H. "A" H-657, H. "B" H-667, H. "C" H-668, H. "D" H-669, H. "E" H-670 and H. "F" H-674 to C. "A" H-656)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 116 voted in favor of the same and 3 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Amend the Maine Certificate of Need Act of 2002
(H.P. 286) (L.D. 360)
(H. "A" H-661 to C. "A" H-625)

An Act To Make Certain Prescription Drug Disclosure Laws Consistent with Federal Law

(H.P. 530) (L.D. 719)
(C. "A" H-647)

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.

SENATE PAPERS

Non-Concurrent Matter

An Act To Establish Multidistrict Online Classes in Maine
(S.P. 206) (L.D. 675)
(C. "A" S-304)

PASSED TO BE ENACTED in the House on June 15, 2011.
Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-304) AS AMENDED BY SENATE AMENDMENT "B" (S-366)** thereto in **NON-CONCURRENCE**.

The House voted to **INSIST**.