

MAINE STATE LEGISLATURE

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

Daily Edition

First Regular Session

beginning December 5, 2012

beginning at page H-1

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Dr. Robert Beekman, of the Maine Coast Memorial Hospital pediatrics team, in Ellsworth, who received an American Academy of Pediatrics Special Achievement Award for distinguished service and dedication to the mission and goals of the Academy. Dr. Beekman was cited for his many years of devotion to the practice of pediatrics in rural Maine and his work with the internationally renowned free genetics clinic in Bar Harbor, the Center for Human Genetics, for more than 35 years. We extend our congratulations and best wishes on his receiving this distinguished award;

(HLS 202)

Presented by Representative MALABY of Hancock. Cosponsored by Senator LANGLEY of Hancock, Representative LUCHINI of Ellsworth, Representative HUBBELL of Bar Harbor, Representative LOCKMAN of Amherst, Representative CHAPMAN of Brooksville.

On **OBJECTION** of Representative MALABY of Hancock, was **REMOVED** from the Special Sentiment Calendar.

READ.

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 wanted to take a minute to acknowledge the work of Dr. Beekman. His work both as a pediatrician in our community and also his work with the Center for Human Genetics at the Jackson Lab in Bar Harbor. Dr. Beekman developed a strong sense and an interest in genetics in both defects while doing a residency in pediatrics at the Tufts Medical Center in Boston. The Center for Human Genetics and their internationally acclaimed free genetic clinics were a perfect fit for Dr. Beekman's sense that genetics were highly relevant to clinical medicine. Those genetic clinics originally focused on both defects but now help families understand inherited factors that underlie risks for cancer, diabetes, heart disease, and hundreds of disorders that show a strong disposition to recurring in some families. Dr. Beekman is clearly deserving of this award for his strong dedication to both our community as a pediatrician and his work for the Center for Human Genetics. The Legislature extends its deep and heartfelt thanks, best wishes, and congratulations to Dr. Robert Beekman. Thank you.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Luchini.

Representative **LUCHINI**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I just wanted to quickly rise and echo the comments of the Representative from Hancock about Dr. Beekman. I've known the Beekman family for many years and they've long been invaluable and active members of our community. In fact, Dr. Beekman's son Andy was an invaluable member of the track team that I was on way back in the day, and he is a great athlete. I just quickly wanted to rise, add my thanks to Dr. Beekman for his dedication to his profession and tremendous work at Maine Coast Memorial and offer my congratulations on receiving the prestigious Special Achievement Award from the American Academy of Pediatrics. Thank you, Mr. Speaker.

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

Divided Reports

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-107)** on Bill "An Act To Revise the Animal Welfare Laws"

(H.P. 334) (L.D. 484)

Signed:

Senators:

JACKSON of Aroostook
SHERMAN of Aroostook

Representatives:

DILL of Old Town
BLACK of Wilton
CRAY of Palmyra
JONES of Freedom
MAREAN of Hollis
NOON of Sanford
SAUCIER of Presque Isle
TIMBERLAKE of Turner

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

Signed:

Representative:

HICKMAN of Winthrop

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-107)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 7, 2013.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass** on Bill "An Act To Increase Funding to Schools" (EMERGENCY)

(H.P. 459) (L.D. 667)

Signed:

Senators:

MILLETT of Cumberland
JOHNSON of Lincoln

Representatives:

MacDONALD of Boothbay
DAUGHTRY of Brunswick
HUBBELL of Bar Harbor
KORNFIELD of Bangor
MAKER of Calais
NELSON of Falmouth
POULIOT of Augusta
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
McCLELLAN of Raymond

REPORTS OF COMMITTEE

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

READ.

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

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

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

The **SPEAKER**: The Chair recognizes the Representative from Calais, Representative Maker.

Representative **MAKER**: Thank you, Mr. Speaker. I rise in support of LD 667. LD 667 phases out a provision that has allowed some school administrative units to raise less than the required local contribution to the total costs of the components of essential programs and services, with some limitations, and not have the state share reduced. That so-called waiver provision has been available to SAUs for the fiscal year 2011, 2012, 2013, and an extension of this provision is included in the biennial budget of 2014. The now enacted 2012-13 supplemental budget also included the provision for fiscal year 2013-14. The fundamental reason for allowing the under commitment to the required local contribution, first in the fiscal year 2010-11, was to provide equity with the fact that the state was not committing its required 55 percent share. I was on the Calais City Council at that time and regrettably supported this endeavor for that reason. We were told that it was just for that year. The bottom line is the provision has led to an equitable under commitment to the cost of education by both the state and the local funds. The under commitments are allowing less than adequate support for education in some SAUs. SAUs have been allowed to raise as little as 82 percent of the required local contribution and not jeopardize or reduce the state contribution.

Phasing out that provision beginning in the fiscal year 2014-15 budget year would provide a transition for some SAUs, especially those that have utilized that provision. The bill would preserve the authority for SAUs to raise as little as 82.10 percent of the required local contribution in 2013-14 as the law amended by the supplemental budget allows and reduce that allowance by one-third in 2014-15 and two-thirds in 2015-16. The provision would be repealed June 30, 2016 and not be applicable for 2016-17. This only affects 30 municipalities in the state with Calais as one of the communities. In discussion last year in Education, it reminded me again that this was still going on. I felt very strongly that I wanted to remove this waiver and wanted to do it yesterday. Reality is that some communities would have had a hard time to reach this goal immediately. Therefore, this is phased in, as mentioned above, removing the proportional share reduction over a three-year period. If you saw in the Calendar yesterday, Calais is in support of paying the 55 percent. You may ask why should local communities pay their share when the state and the Federal Government do not. This is very simple in my mind. They are our children and the parents pay their taxes to receive a good education for them. The students don't deserve any less. Thank you, Mr. Speaker.

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

Representative **McCLELLAN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I agree mainly with what the Representative said, my dear friend said, and if anybody else speaks for this bill, I am sure I will agree with them as well. My only angst with this bill is this body, as she just said, doesn't fund our 55 percent share and so I find it ironic that we again will

be telling other people how to do the right thing. Thank you, Mr. Speaker.

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

Representative **MacDONALD**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Just briefly, I rise in support of the Majority Ought to Pass on this bill. Just because the state does not live up to its obligations to the 55 percent funding of public education doesn't mean that we should allow the towns to do that as well. Two wrongs do not make a right. Our kids are at stake here. Our kids' education is at stake here. We're trying to move the state toward that 55 percent goal in the Education Committee. Everyday we're trying to work with Appropriations to increase that. This bill is a reasonable attempt to make sure that we adequately fund education in our state, gives the cities and towns that are affected three years to come up to speed on this. A vote for this bill is a vote for public education in this state and I urge you all to support the Majority Ought to Pass Report. 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. This is a difficult economic climate for all of our communities. This is an example of do what I say and not what I do, and until we walk in their shoes, I'm hesitant to vote for this. 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 Freedom, Representative Jones.

Representative **JONES**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. We all know what current budget proposals are being considered and, we'll say, devastating consequences they will be having on property tax owners. We're talking about revenue sharing, homestead exemption, BETE and BETR cuts. Meanwhile, while we're considering revenue proposals in this very House, okay, that would create increasing pressures on the property tax, meanwhile, our share of the 55 percent that we are mandated by a 2004 people's referendum has been declining over time. It's unfair for the state to ask local communities to pay their share with the most regressive of all taxes, if we as legislators do not have the will or the stomach or the courage to fund our share fully. Thank you, Mr. Speaker.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I voted to fund schools at 55 percent a decade ago. It's never been done. What it's been doing is sliding backwards and this administration is turning around and starting two or three different kinds of schools, and the last Chief Executive officer and the present Chief Executive officer have not fulfilled the 55 percent. I think until we do that, we should concentrate on public schools and the education and not turn them down. Thank you.

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

ROLL CALL NO. 69

(H.P. 324) (L.D. 474)
(C. "A" H-102)

YEA - Beaudoin, Beaulieu, Beavers, Beck, Berry, Briggs, Campbell J, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Cooper, Cotta, Cray, Daughtry, DeChant, Devin, Dickerson, Dill, Dorney, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Hamann, Harvell, Hayes, Herbig, Hobbins, Hubbell, Kaenrath, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Luchini, MacDonald S, MacDonald W, Maker, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Parry, Pease, Peoples, Plante, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Theriault, Tipping-Spitz, Treat, Tyler, Verow, Villa, Volk, Wallace, Welsh, Winchenbach, Wood, Mr. Speaker.

Reported by the Committee on **Bills in the Second Reading**, read the second time, the House Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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

**ENACTORS
Emergency Measure**

An Act To Support the Permanent Commission on the Status of Women

(H.P. 192) (L.D. 231)
(C. "A" H-80)

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

Representative BERRY of Bowdoinham **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.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 70

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Briggs, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Clark, Cooper, Cotta, Crafts, Cray, Daughtry, Davis, DeChant, Devin, Dickerson, Dill, Dorney, Dunphy, Duprey, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jackson, Johnson D, Johnson P, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kinney, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Lockman, Long, 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, Peoples, Plante, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Saxton, Schneck, Shaw, Short, Sirocki, Stanley, Stuckey, Theriault, Timberlake, Tipping-Spitz, Treat, Tyler, Verow, Villa, Volk, Wallace, Weaver, Welsh, Werts, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - NONE.

ABSENT - Boland, Bolduc, Crockett, Dion, Doak, Knight, Libby A, Longstaff, Nadeau A, Pease, Peavey Haskell, Peterson, Pouliot, Turner, Willette.

Yes, 136; No, 0; Absent, 15; Excused, 0.

136 having voted in the affirmative and 0 voted in the negative, with 15 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**CONSENT CALENDAR
Second Day**

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

(S.P. 309) (L.D. 884) Bill "An Act To Improve Death Investigations"

(S.P. 245) (L.D. 696) Bill "An Act To Include Raising Equines in the Definition of Agriculture for the Purpose of the Maine Workers' Compensation Act of 1992" (C. "A" S-42)

(S.P. 301) (L.D. 876) Resolve, To Establish a Working Group To Study Issues Relating to Broadband Infrastructure Deployment (C. "A" S-41)

(S.P. 320) (L.D. 943) Bill "An Act To Amend Provisions of the Law Pertaining to Motor Vehicles" (C. "A" S-40)

(S.P. 328) (L.D. 983) Bill "An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2014" (C. "A" S-39)

(H.P. 449) (L.D. 657) Resolve, Directing the Department of Agriculture, Conservation and Forestry To Review, Clarify and Update Its Rules Pertaining to the Maple Syrup Industry (C. "A" H-106)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** in concurrence and the House Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

**BILLS IN THE SECOND READING
House as Amended**

Bill "An Act To Require Edible Landscaping in a Portion of Capitol Park"