

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

December 5, 2012 – July 10, 2013

pages H-1 – H-1282

ROLL CALL NO. 392

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

NAY - Campbell R, Graham, Herbig, Jackson, Mastraccio.

ABSENT - Ayotte, Doak, Kent, Peterson, Sirocki, Werts, Winchenbach.

Yes, 139; No, 5; Absent, 7; Excused, 0.

139 having voted in the affirmative and 5 voted in the negative, with 7 being absent, and accordingly the Majority **Refer to the Committee on Energy, Utilities and Technology** Report was **ACCEPTED** and sent for concurrence.

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

HOUSE DIVIDED REPORT - Majority (7) **Refer to the Committee on Energy, Utilities and Technology** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-549)** - Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act Regarding Wind Power Siting in the Unorganized Territory"

(H.P. 947) (L.D. 1323)

Which was **TABLED** by Representative WELSH of Rockport pending **ACCEPTANCE** of either Report.

On motion of Representative WELSH of Rockport, the Majority **Refer to the Committee on Energy, Utilities and Technology** Report was **ACCEPTED** and sent for concurrence.

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

REPORTS OF COMMITTEE
Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act To Ensure Accountability in State Contracts"

(S.P. 406) (L.D. 1169)

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

That they are **UNABLE TO AGREE**.

Signed:

Senators:

LACHOWICZ of Kennebec
GERZOFISKY of Cumberland
JACKSON of Aroostook

Representatives:

LIBBY of Lewiston
MacDONALD of Old Orchard Beach
VOLK of Scarborough

Came from the Senate with the Committee of Conference Report **READ** and **ACCEPTED**.

The Committee of Conference Report was **READ** and **ACCEPTED** in concurrence.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Authorize Options for Local Revenue Enhancement"

(H.P. 299) (L.D. 427)

Minority (3) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-363)** in the House on June 19, 2013.

Came from the Senate with the Majority (10) **OUGHT NOT TO PASS** Report of the Committee on **TAXATION READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

ENACTORS

Emergency Measure

An Act To Change the Voting Requirements for the Withdrawal of a Municipality from a Regional School Unit

(H.P. 534) (L.D. 783)

(H. "A" H-561 to C. "A" H-552)

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

On motion of Representative MALABY of Hancock, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-552) as Amended by House Amendment "A" (H-561)** thereto.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-552) as Amended by House Amendment "A" (H-561)** thereto was **ADOPTED**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **House Amendment "A" (H-561) to Committee Amendment "A" (H-552)** was **ADOPTED**.

On further motion of the same Representative, **House Amendment "A" (H-561) to Committee Amendment "A" (H-552)** was **INDEFINITELY POSTPONED**.

The same Representative **PRESENTED House Amendment "B" (H-567) to Committee Amendment "A" (H-552)** which was **READ** by the Clerk.

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

Representative **MALABY**: Mr. Speaker, I brought forth this amendment for practical reasons. I have stripped the emergency preamble. I thank you for your support.

Subsequently, **House Amendment "B" (H-567)** to **Committee Amendment "A" (H-552)** was **ADOPTED**.

Committee Amendment "A" (H-552) as Amended by **House Amendment "B" (H-567)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-552)** as Amended by **House Amendment "B" (H-567)** thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

Acts

An Act To Buy American-made Products

(S.P. 311) (L.D. 890)

(H. "A" H-557 to C. "A" S-303)

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

On motion of Representative **McCABE** of Skowhegan, 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. 393

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

NAY - Espling, Guerin, Jackson, Johnson P, Libby A, McClellan.

ABSENT - Ayotte, Beaudoin, Campbell J, Doak, Hobbins, Kent, Peterson, Werts, Winchenbach.

Yes, 136; No, 6; Absent, 9; Excused, 0.

136 having voted in the affirmative and 6 voted in the negative, with 9 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Resolves

Resolve, Relating to a Review of Risks Associated with Tar Sands Oil

(H.P. 970) (L.D. 1362)

(H. "A" H-543 to C. "A" H-428)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

CONSENT CALENDAR

First Day

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

(H.P. 1103) (L.D. 1536) Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-566)**

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

The Unanimous Committee Report was **READ** and **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-566)** was **READ** by the Clerk.

On further motion of the same Representative, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-566)** and later today assigned.

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Preserve Code Enforcement Officer Training and Certification"

(H.P. 1135) (L.D. 1565)

Sponsored by Representative **CAREY** of Lewiston.

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.

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (H-526)** - Minority (3) **Ought Not to Pass** - Committee on **TAXATION** on Bill "An Act To Provide Tax Fairness to Maine's Middle Class and Working Families"

(H.P. 785) (L.D. 1113)

TABLED - June 17, 2013 (Till Later Today) by Representative **McCABE** of Skowhegan.

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

The **SPEAKER**: The Chair recognizes the Representative from Livermore Falls, Representative **Knight**.