

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
SECOND REGULAR SESSION
48th Legislative Day
Thursday, April 12, 2012

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

Prayer by Pastor Matthew T. McDonald, Midcoast Christian Fellowship, Belfast.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

The following item was taken up out of order by unanimous consent:

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.

Expression of Legislative Sentiment Recognizing members of the Deer Isle-Stonington Elementary School Odyssey of the Mind team

(HLS 1165)

TABLED - April 11, 2012 (Till Later Today) by Representative KUMIEGA of Deer Isle.

PENDING - **PASSAGE**.

The SPEAKER: The Chair recognizes the Representative from Deer Isle, Representative Kumiega.

Representative **KUMIEGA**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Odyssey of the Mind is a competition that teaches critical problem-solving, a skill that these young people will undoubtedly need as they grow up. I would also like to point out that this is the second consecutive Odyssey of the Mind competition won by a team from Deer Isle-Stonington Elementary School. I'd also like to note that along with the Odyssey of the Mind team are, from Deer Isle-Stonington Elementary, the K-3, K-6 and K-8 state championship chess teams and that those three state victories are also the second consecutive for those teams and the 29th, 30th and 31st statewide chess championship teams for the Deer Isle-Stonington School System. Thank you, Mr. Speaker.

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

ORDERS

On motion of Representative SOCTOMAH of the Passamaquoddy Tribe, the following Joint Order: (H.P. 1416)

ORDERED, the Senate concurring, that the Joint Standing Committee on Veterans and Legal Affairs shall report out, to the House, a bill that allows the operation of a slot machine facility by the Passamaquoddy Tribe. The bill must contain the following provisions:

1. The slot machines must be operated by the tribe at a high-stakes beano location located in Calais;
2. The number of slot machines at the facility may not exceed 100;
3. The tribe may not be restricted in its operation of the slot machines regarding hours or days of operation;
4. The slot machine income must be distributed in the same manner as required for a casino operator licensed to operate slot machines under the Maine Revised Statutes, Title 8, section 1011, subsection 2; and

5. The bill must take effect only upon the approval at a referendum of the voters of Washington County only.

READ.

The SPEAKER: The Chair recognizes the Representative from Passamaquoddy Tribe, Representative Soctomah.

Representative **SOCTOMAH**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I introduced this Order as a matter of fairness. The membership of the Passamaquoddy Tribe has fought for 30 years for the ability to operate a slot machine facility. What is the result? We are denied again and again.

Just yesterday the House voted to expand gaming to veterans' groups and charitable nonprofits with its acceptance of LD 1469. At the same time, the House voted to Accept the Majority Ought to Pass as Amended Report to LD 1897, a bill that establishes a moratorium on gaming facilities in the state. Just last week, the Veterans and Legal Affairs Committee decided to kill a tribal gaming bill, LD 1539, in committee.

So what is our track record as a state? We allow an out-of-state company to establish a racino in Bangor. We allow private business interests to build a casino in Oxford. The Legislature decides to allow veterans' groups and charitable and fraternal organizations to have slot machines. But the membership of the Passamaquoddy Tribe, a people who predate European settlement in Maine, is told no.

This is why I present my Order today. It is about fairness. It seeks to require the VLA Committee to report out a bill that would allow the Passamaquoddy Tribe to operate up to 100 slot machines at a location that presently operates a high-stakes bingo. I hope that my colleagues will support this Order, if for no other reason than it is the right thing to do. Thank you, Mr. Speaker.

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

Representative **MAKER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I stand in support of this Order. We in Calais have supported the Native Americans and we have continued to support in the latest referendum. They deserve this opportunity to at least have a vote just on this motion. So I would like to hope that you will support the Native Americans. Thank you.

The SPEAKER: The Chair recognizes the Representative from Dennysville, Representative McFadden.

Representative **McFADDEN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In my eight years in the Legislature, I've seen several bills and amendments to bills to benefit the Tribe and most have never moved forward. It appears the Tribe is not allowed to control their own destiny. I am quite sure this Joint Order is at the fall of the same path. This is just another example of attempting to break into the monopoly shared by two municipalities in the state. As a Legislature representing all the people of the State of Maine, don't you think we should give the Tribe a much deserved break and support Representative Soctomah's Joint Order? Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Harrington, Representative Tilton.

Representative **TILTON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to add that I had worked on the original proposal that the Passamaquoddy Tribe put forward back in the '90s in my previous life and a lot of people don't realize that if not for a quirk in the Land Claims Settlement Act, they could have done this without the state's permission. I really feel that it's right for us to honor their place in the state and to allow them to do this

because, frankly, if they had gone a different route, they could have done it without our even weighing in. Thank you.

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

Representative **GRAHAM**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Yes, I know, I don't live in Washington County. I live in southern Maine. But I had the opportunity to spend time with the people of the Passamaquoddy Nation when I was in a Leadership Maine class. It was when we had one of our many referendums as to whether the people of the Passamaquoddy Nation could have a casino. Donald Soctomah spoke with us and it was one of the most moving experiences I've had. He made it clear that the people of the Passamaquoddy Nation had a right to raise revenues they see fit, and I did not feel and the members of my class of Leadership Maine felt it was wrong that the entire rest of the state were voting against people who were just trying to make their way. So I strongly support this and I respect Representative Soctomah for standing up and speaking strongly for her people. 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 don't like gambling. I don't gamble. But, to me, this is an issue of fairness. I have seen legislation come through this building, often put out for public vote. The vote in Washington County has historically been in favor of letting the Passamaquoddy do this so I will be voting for this Order.

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

Representative **COTTA**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to speak in support of 4-1. In this very chamber in the 123rd and moving into the 124th, I watched this chamber and the other body pass it and it was vetoed and came back and I watched people in these very chambers change their position. I say enough is enough. If it's in Washington County, please give them the right to move this forward. I think it's not only a matter of fairness and equity. It's a matter of common sense and good economics.

The SPEAKER: The Chair recognizes the Representative from Veazie, Representative Parker.

Representative **PARKER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'm from Washington County. I served on the Washington County Development Authority; I served on the Economic Council for that area. I now represent part of Bangor which has a racino. I think it's a casino, no longer a racino. I've watched the tribes try desperately to do something to survive in their area for 18 years. In my opinion, they've been totally discriminated against. The money now is being put into the big cities, it's being taken away from them and their opportunity has never been allowed to surface to see if they can survive or not survive as a tribe. We have no choice, in my opinion, but to support the tribes in this venture.

The SPEAKER: The Chair recognizes the Representative from Burlington, Representative Turner.

Representative **TURNER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I do not live in Washington County, but I do represent Washington County. Many, many years ago, the tribes were the one to start this whole question about whether we gamble or not in the State of Maine. The question has been answered; however, the tribes are still asking for that right to be theirs too. Thank you.

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

Subsequently, on motion of Representative CURTIS of Madison, **TABLED** pending **PASSAGE** and later today assigned.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Dave Georgia, Jr., of Greenfield Township, who has been named the 2011 Warden of the Year. Mr. Georgia, who earned the nickname "The Coyote" because of his dogged pursuit of intentional violators of the State's fish and game laws, joined the Maine Warden Service in 1983 and attended the Maine Criminal Justice Academy in 1985. He patrols a district covering Milford, Bradley, Greenbush, Greenfield Township, Summit Township, Township 32 and Township 39. He is well-known for his work ethic and tenacity. Mr. Georgia is one of the founders of the Maine Youth Fish and Game Association and is also involved with the Wabanaki people and has a particular willingness to learn about native culture. We send our appreciation to Mr. Georgia on his dedicated service to the State, and we congratulate him on his receiving this award;

(HLS 1170)

Presented by Representative SLAGGER of the Houlton Band of Maliseet Indians.

Cosponsored by Senator ROSEN of Hancock, Representative TURNER of Burlington, Representative DUCHESNE of Hudson, Representative BRIGGS of Mexico, Representative CLARK of Millinocket, Representative CRAFTS of Lisbon, Representative DAVIS of Sangerville, Representative EBERLE of South Portland, Representative ESPLING of New Gloucester, Representative GUERIN of Glenburn, Senator MARTIN of Kennebec, Senator PATRICK of Oxford, Representative SARTY of Denmark, Senator SAVIELLO of Franklin, Representative SHAW of Standish, Representative WOOD of Sabattus.

On **OBJECTION** of Representative SLAGGER of Houlton Band of Maliseet Indians, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Houlton Band of Maliseet Indians, Representative Slagger.

Representative **SLAGGER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today to speak to this Legislative Sentiment for Game Warden Dave Georgia. Warden Georgia has been named the 2011 Maine Game Warden of the Year by his colleagues and peers at the Maine Warden Service. Warden Georgia has worked as a Maine game warden since 1983. Warden Georgia is one of the founders of the Maine Youth Fish and Game Association and has been involved in many other community events over the years.

I have had the pleasure of working and watching Warden Georgia interact with Maine's Wabanaki tribal members and observed how he always dealt with them with a respectful and culturally sensitive way. When there was an instance when Warden Georgia had to put down a deer or moose because of sickness, Warden Georgia would often think of a family in need and would offer them some of the deer meat to help the family. This is one example of Warden Georgia serving Maine families. He has also gone on countless search and rescue missions to help find people lost in the woods of Maine.

Another example of Warden Georgia helping people and having cultural sensitivity was when a Wabanaki tribal member got lost while working with U.S. Fish and Wildlife Service, and Warden Georgia located the lost Indian and promised that he would never tell anyone who it was so the Indian would not be embarrassed. The Maine Warden Service is richer because of Warden Georgia within their ranks. For his years of service to the people of Maine and the state's wildlife, I say woliwon, nitap. Thank you, my friend. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Eberle.

Representative **EBERLE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I must first offer an apology to our guests in the gallery, members of the Warden Service. While they are probably used to sitting in long stakeouts, I would imagine the night woods are a more comfortable environment for them than the wilds of the gallery of the Maine House of Representatives. So instead of our 10 o'clock start, we're a little bit late. But I would like to also offer my congratulations to Warden Georgia on behalf of the members of the Inland Fisheries and Wildlife Committee. It's an honor to work with Warden Georgia and all the members of the Warden Service, and we offer our congratulations as well. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hudson, Representative Duchesne.

Representative **DUCHESNE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Until a couple of years ago, Dave Georgia was my constituent in Milford and I'm very excited about the award. Because of where I am sitting and because of where he is sitting, he can't see me applauding wildly from the back row, but I am.

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 first met Dave Georgia when he graduated from the Criminal Justice Academy with my brother-in-law many years ago. But my first encounter with him in his role as a warden was when he walked into my office with a 5 gallon bucket of deer intestines teaming with maggots – there's number two, Representative Cain – from a poaching incident and asked me if I was interested in working with him in the future on forensic entomology and poaching. My answer was that I didn't think that was probably really what I wanted to do as an entomologist, so our relationship from there had nowhere to go but up. So I want to say congratulations and well deserved.

The SPEAKER: The Chair recognizes the Representative from Burlington, Representative Turner.

Representative **TURNER**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I, too, would like to offer my congratulations to Warden Georgia and also thank him very much for his years of service.

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

Recognizing:

the following members of the Hall-Dale High School Girls Basketball Team, of Farmingdale, who won the Western Class C Basketball Championship: players Kristina Buck, Natasha Brown, Meagan Cope, Emily Maynard, Nicole Pelletier, Wendy Goldman, Allison Crockett, Paley Sweet, Catie Eccleston, Carylanne Wolfington, Molly French, Eva Shepherd and Olivia Maynard; manager Kyrie Johnson; head coach Brandon Terrill; and assistant coaches Gordon Fuller, Christen Lachapelle and Kevin Crosman. The team was also awarded the Sportsmanship

Award for Western Class C. We extend our congratulations and best wishes to the team members on their achievement;

(HLS 1168)

Presented by Representative TREAT of Hallowell.
Cosponsored by Senator McCORMICK of Kennebec.

On **OBJECTION** of Representative TREAT of Hallowell, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Treat.

Representative **TREAT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. The Hall-Dale Girls Basketball Team has had a remarkable two-year run, winning the Western Maine Class C Championship for the second year in a row and just missing a second Gold Ball in the State Championship to Central in a one point game that practically gave me a heart attack it was so exciting. February can be a dreary month and this year it went on for even an extra day, but who cares when you can go to the Augusta Civic Center and watch the Hall-Dale Girls Basketball Team? Others may get caught up in March Madness or head to the Florida beaches, but in Farmingdale and Hallowell we turn out to watch this remarkable team play exciting basketball featuring multiple cliffhanger one point games. With their matching shiny pink shoes and their indomitable spirit, never giving up and coming from behind to win on many occasions, this team plays with heart, wit and talent. Coach Brandon Terrill always seems to say the right thing on and off the court, supporting and guiding this great team. Impressively this winning team, not one of whom is afraid to get knocked to the floor and bounced right back up, also was recognized with a Class C West Sportsmanship Award. They play hard and they play fair and they are fun to watch. What more could we ask? Please join me in recognizing the members of the Hall-Dale Girls Basketball Team and their coach.

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

Recognizing:

Carylanne Wolfington, of Hallowell, a student at Hall-Dale High School and a member of the girls' basketball team, who scored her 1,000th career point in basketball. We congratulate Carylanne on her achievement and send her our best wishes;

(HLS 1169)

Presented by Representative TREAT of Hallowell.
Cosponsored by Senator McCORMICK of Kennebec.

On **OBJECTION** of Representative TREAT of Hallowell, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Treat.

Representative **TREAT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. If you've ever been to a Hall-Dale Girls Basketball Team game, it won't take long to figure out who the team leader is in more ways than one. "Carylanne Wolfington, Carylanne Wolfington," again the announcer would call. Just like that, it's 1,000 career points, is the Class C Girls Player of the Year and is the Kennebec Journal Girls Co-Player of the Year. Here's what Coach Brandon Terrill had to say when interviewed after Carylanne's 1,000th career point. "Great student, great leader, a great teammate. To have her name immortalized on our gym wall is really special and she deserves it more than anyone I've ever coached." Carylanne is at Hall-Dale right now presenting her Senior Capstone project so she can't be here today, but I hope you will join me in recognizing

her successes on the basketball court and her future successes at Colby College next year.

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

In Memory of:

the Honorable Emile J. Jacques, of Lewiston, a United States Marine Corps veteran of World War II, a longtime member of the Maine State Legislature and former mayor of Lewiston and Androscoggin County Commissioner. Mr. Jacques, known as Bill, was born in Lewiston and attended Lewiston schools. When he was younger, he was a professional motorcycle racer and maintained a motorcycle shop. He owned and operated Jacques Television Service for more than 50 years and was a member of Holy Cross Roman Catholic Church, the American Legion, the Knights of Columbus and the Benevolent and Protective Order of Elks. Mr. Jacques served in the Maine House of Representatives for 7 terms and in the Maine Senate for 3 terms, in a career spanning 1955 to 1980. He will be greatly missed and long remembered by his loving wife of 58 years, Mildred, his family, friends and those whose lives he touched;

(HLS 1172)

Presented by Representative ROTUNDO of Lewiston. Cosponsored by Senator CRAVEN of Androscoggin, Representative BICKFORD of Auburn, Representative LAJOIE of Lewiston, Representative CAREY of Lewiston, Representative WAGNER of Lewiston.

On **OBJECTION** of Representative ROTUNDO of Lewiston, was **REMOVED** from the Special Sentiment Calendar.

READ and **ADOPTED** and sent for concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 1405) (L.D. 1903) Bill "An Act To Make Additional Supplemental Appropriations and Allocations and To Change Certain Provisions of the Law for the Fiscal Years Ending June 30, 2012 and June 30, 2013" (EMERGENCY) Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-938)**

On motion of Representative FLOOD of Winthrop, 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-938)** was **READ** by the Clerk.

On further motion of the same Representative, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-938)** and later today assigned.

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

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

Joint Order, the Joint Standing Committee on Veterans and Legal Affairs shall report out, to the House, a bill that allows the operation of a slot machine facility by the Passamaquoddy Tribe.

(H.P. 1416)

Which was **TABLED** by Representative CURTIS of Madison pending **PASSAGE**.

The **SPEAKER**: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative **WATERHOUSE**: Thank you, Mr. Speaker. I question whether this item is properly before the body.

Representative **WATERHOUSE** of Bridgton asked the Chair to **RULE** if the Joint Order was properly before the body.

The **SPEAKER**: This item will be Tabled pending a ruling from the Chair.

Subsequently, the Joint Order was **TABLED** by the Speaker pending a **RULING OF THE CHAIR**.

The House recessed until 3:00 p.m.

(After Recess)

The House was called to order by the Speaker.

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

Joint Order, the Joint Standing Committee on Veterans and Legal Affairs shall report out, to the House, a bill that allows the operation of a slot machine facility by the Passamaquoddy Tribe.

(H.P. 1416)

Which was **TABLED** by the Speaker pending a **RULING OF THE CHAIR**.

The **SPEAKER**: The Representative from Bridgton, Representative Waterhouse, has requested a ruling as to whether House Paper 1416 is properly before the body. The guiding rule in this case is Joint Rule 217, Measures Rejected at a Prior Session, which states that "A bill, resolve, constitutional resolution, resolution, memorial or order that has been introduced and finally rejected in a regular or special session may not be introduced in a subsequent regular or special session of the same Legislature except by vote of 2/3 of both chambers." This Joint Order would instruct the Joint Standing Committee on Veterans and Legal Affairs to report out a bill to allow the Passamaquoddy Tribe to operate slot machines and a high stakes beano facility in Calais on approval by voters in Washington County. The Chair finds that there is no other bill or order that was introduced and rejected in a prior session that is identical to this order. With respect to House Paper 1416, the Chair finds that the Joint Order is properly before the House.

Subsequently, the Chair **RULED** that the Joint Order was properly before the body.

Subsequently, the Joint Order was **PASSED** and sent for concurrence.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass pursuant to Joint Order 2012, H.P. 1345** on Bill "An Act To Review and Restructure the Workers' Compensation System"

(H.P. 1417) (L.D. 1913)

Signed:

Senators:

RECTOR of Knox
MARTIN of Kennebec

Representatives:

PRESCOTT of Topsham
DOW of Waldoboro
NEWENDYKE of Litchfield
VOLK of Scarborough
WALLACE of Dexter

Minority Report of the same Committee reporting **Ought Not to Pass pursuant to Joint Order 2012, H.P. 1345** on same Bill.

Signed:

Senator:

JACKSON of Aroostook

Representatives:

TUTTLE of Sanford
DRISCOLL of Westbrook
GILBERT of Jay
HUNT of Buxton
HERBIG of Belfast

READ.

Representative PRESCOTT of Topsham moved that the House **ACCEPT** the Majority **Ought to Pass pursuant to Joint Order 2012, H.P. 1345** Report.

Representative CAIN of Orono **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass pursuant to Joint Order 2012, H.P. 1345** 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 Topsham, Representative Prescott.

Representative **PRESCOTT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We have a bill before us that has been with the Labor, Commerce, Research and Economic Development Committee for a long time now. It has had a lot of discussions and a lot of work sessions and a lot of conversation. We have before us today two reports. I support the Majority Report, although I say, like other bills that we've had that have come out with a divided report, we're not as far apart as one may think. This bill has a lot of good changes, good reforms. Like all major systems there is always a need for change, for reform, to improve in functionality, overall function, and workers' comp is no exception. It has been since 1992 that we've really looked at this system to see what can we do better. I believe that what we have before us today is that answer.

The changes that come about that cause us to part ways are on a section called Section 213. The current law with respect to Section 213 and partial incapacity benefits is broken. Since 2006, the Workers' Comp Board has been unable to comply with this statute. In reality, the current law is unworkable as written. Over time, all stakeholders have recognized the problems with this portion of our law but have kicked the can down the road. Today we have a chance to stop that. The law as written makes Maine an outlier. No other state guarantees that 25 percent of all injured workers, regardless of their ability to work, will get lifetime benefits. This proposal brings Maine in line with the vast majority of other states. Today our system is costly, it puts undue burden on employers and it puts us on our own island. This reform of Section 213 puts us in line with the rest of the country, it still has Maine as one of the few states that extend partial benefits for a

lifetime. I've been hearing a lot about how workers are going to fall through the cracks, fall through the cracks. I hardly think that 10 years of benefits after you've been injured – partially injured because that's the section we're talking about, I'll get to the other section in a minute – is not falling through the cracks. Having all your medical expenses paid for is not falling through the cracks. The overall proposal increases benefits for injured workers and creates a system with less litigation. As a result of this amended bill, more money will go into the pockets of injured workers. Isn't that what we all want? As a result of the changes made in this bill, the maximum wage replacement rate will increase by merely \$4,000 a year.

Here's a big, big important part of this bill. More employees will get vocational rehabilitation. That's something that we all should be on board with. People feel best when they are productive and they can actually go back to work and make a living and feel good about themselves, as opposed to sitting at home and collecting a paycheck. Those that are most seriously injured are protected. I wouldn't be voting for this bill today if that were not the case. This bill meets concerns presented at a public hearing by continuing to extend partial incapacity benefits beyond 520 weeks. Five hundred and twenty weeks right now is what it has been at for 75 percent of partial incapacity for our Maine workers, and if those that were most seriously injured who are working but unable to earn at least half of what they were earning before their injury, there is proposed changes that they can apply for extended benefits. If we go to those really bad cases, the ones we're all hearing about – we're hearing about them in the hall, we're hearing about them in our hometowns – we have Section 212. Section 212 takes care of those who cannot work. They are home, they may be flat on their back. They truly are disabled. Section 212 is available to workers in two ways: An employee that is injured and is immediately physiologically incapable, he may fall off a ladder and break his leg. That's an example. Someone who just can't work. He may then go to partial incapacity, but he's got coverage. An employee who is partially injured and capable of returning to work but there is no work available in the community or the state that he's able to do. These have all been covered extensively in this bill, and I urge you to support this and follow my light and vote yes on the Ought to Pass on LD 1913. Thank you very much.

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

Representative **HASKELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Just a brief personal story. I think maybe folks don't understand what it might be like to have the breadwinner in your family get injured on the job. I had that happen to me when my kids were little, they are grown now, and their father was in a workplace accident and it was a bad workplace accident. It was one of those where a pile of material fell and he fell in a particularly difficult way and you know you have two bones in the lower part of your leg. Well, both of those were broken in multiple places. It was more than just, oh, I slipped and fell and wrenched my ankle and I'm out of work for a week. He had a crushing injury to the lower part of his leg. He was a contractor. As a result of that, after some lengthy recovery and concern about how we pay the bills and I will tell you that no one goes on workers' comp to get rich, what we found out is that one of his legs was an inch and three quarters shorter than the other one. I just want you to know that after 10 years, that leg did not grow back, it didn't get any longer and the impairment was not any less of a concern for him after that. I just think we need to take into consideration what it's like to not know, from time to time and day to day, whether some rule is going to slip or change and you're not going to be able to get what you might need in

order to keep that young family going. I think it's all well and good to say that there's a portion of the law that takes care of that. But I was here when we shut down state government over workers' comp and I can tell you what it means to families, I can tell you in a personal way and so I ask you to be very careful about this slope that we are headed down and I urge you to reject this bill. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass pursuant to Joint Order 2012, H.P. 1345 Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 324

YEA - Ayotte, Beaulieu, Bennett, Bickford, Black, Burns DC, Cebra, Chase, Clark T, Cotta, Crafts, Cray, Curtis, Cushing, Damon, Davis, Dow, Dunphy, Edgcomb, Espling, Fitts, Fitzpatrick, Flood, Fossel, Foster, Fredette, Gifford, Gillway, Guerin, Hamper, Harmon, Harvell, Johnson D, Johnson P, Keschl, Knapp, Knight, Libby, Long, Maker, Malaby, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Newendyke, O'Connor, Olsen, Parker, Parry, Picchiotti, Plummer, Prescott, Richardson D, Richardson W, Rioux, Rosen, Sanderson, Sarty, Sirocki, Strang Burgess, Tilton, Timberlake, Turner, Volk, Wallace, Waterhouse, Weaver, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

NAY - Beaudoin, Beavers, Beck, Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Cain, Carey, Casavant, Chapman, Chipman, Clark H, Clarke, Crockett, Dill J, Dion, Driscoll, Duchesne, Eberle, Eves, Flemings, Gilbert, Goode, Graham, Hanley, Harlow, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Kaenrath, Kruger, Kumiega, Lajoie, Longstaff, Lovejoy, Luchini, MacDonald, Maloney, Martin, Mazurek, McCabe, Monaghan-Derrig, Morrison, Nelson, O'Brien, Peoples, Peterson, Pilon, Priest, Rankin, Rochelo, Rotundo, Russell, Sanborn, Shaw, Stevens, Stuckey, Theriault, Treat, Tuttle, Valentino, Wagner R, Webster, Welsh.

ABSENT - Bryant, Celli, Cornell du Houx, Kent.

Yes, 75; No, 71; Absent, 4; Vacant, 1; Excused, 0.

75 having voted in the affirmative and 71 voted in the negative, 1 vacancy with 4 being absent, and accordingly the Majority Ought to Pass pursuant to Joint Order 2012, H.P. 1345 Report was **ACCEPTED**.

The Bill was **READ ONCE**.

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

Representative CUSHING of Hampden **PRESENTED House Amendment "A" (H-941)**, which was **READ** by the Clerk.

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

Representative **TUTTLE**: Mr. Speaker, a number of us haven't received a copy of the amendment so I didn't know if the gentleman might find out what the amendment does before we adopt it.

The SPEAKER: Let the Chair find out why you don't have an amendment. The Chair is informed that they were passed out earlier today, anyone who has not yet received one. We'll see that the Representative from Sanford will get one and others. Anyone else who does not have House Amendment "A," filing number of H-941, we'll get you one. Representative Chipman in the back row.

The Chair recognizes the Representative from Hampden, Representative Cushing.

Representative **CUSHING**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. My appreciation to the good Representative from Sanford for bringing the

question forward. This was determined after the printing was done that there was a technical error in the language and it has corrected that language. There are four sections that the body can see in there and we'd be happy to speak to them if necessary or answer questions, but it is to correct what the committee had agreed to in the amended version before it was to leave.

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

Representative **TUTTLE**: Thank you, Mr. Speaker. I would thank the good Representative from Hampden, Representative Cushing. I got the amendment and this bill essentially just makes technical corrections, so I see no problem with it.

Subsequently, **House Amendment "A" (H-941)** was **ADOPTED**.

Representative CAIN of Orono **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by House Amendment "A" (H-941)**.

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 Sanford, Representative Tuttle.

Representative **TUTTLE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I will be voting in opposition to the pending motion. Currently, Maine employers are experiencing far more premiums than they did prior to 1993. There are fewer cases and they are paying less in benefits. Maine has the lowest maximum weekly benefit for disability among all six New England states, four have longer periods of eligibility. The proposal before us today will make the regulation of the act more expensive. Reducing the maximum weekly benefit paid under Section 213 will affect the most injured workers under this provision without saving any costs.

The current proposal does not differentiate between psychiatric and physical impairment levels with regard to Section 213. So if I'm a fireman or policeman who suffers from posttraumatic stress syndrome, you're out of luck. The bill makes no provisions for those workers whose benefits are cut off from Section 213. Benefits after the maximum of 10 years need a 212 total incapacity nor the extreme hardship provision is adequate for their needs. The statute of limitations provision will force workers to file claims rather than risk improving health, even with the lessening of work expectations. The proposed appellate division would cause delay and be a bonus for attorneys because they get another bite at the apple. It would hurt the injured worker because they would have to bear the cost of litigation, even if they won the hearing at the officer level. The appellate division would be a distraction to hearing officers and create a problem with their independence.

Finally, there is no justification for changing the notice provision from 90 to 30 days. That was discussed many times over the years. It's found that that makes no sense. The bill will harm severely injured workers. The legislation drastically reduces the disability benefits available to severely injured workers. The bottom line is that almost all workers most deserving of a long-term wage replacement, as we've heard today, protection, would lose it under this proposal and will have no place to turn. This proposal punishes severely injured workers who go back to work but experience permanent loss for their injury.

Maine's workers' compensation is working very well and it's decreasing costs every year. There is no need to hurt injured workers. Workers' compensation costs have been steadily declining in Maine with workers' compensation premiums having declined 56 percent since 1993 and more than 7 percent alone in

2011, a stunning fact considering that over half of the comp costs are from health insurance. The 2012 Workers' Compensation Board annual report, overall dispute resolution is performing at very high levels. This proposal undermines, in my opinion, the integrity of the workers' compensation system. Workers' compensation is vitally important. It saves tens of thousands of Maine people from poverty. This proposal is a windfall for the insurance industry that will harm injured workers and undermine the system as a whole. We can do better. This is unfortunate because a compromise was in reach about two weeks ago, but the last few weeks it changed drastically the other way. For that reason I am asking that you oppose the pending motion.

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Hunt.

Representative **HUNT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Let's be clear: This bill will hurt people. But let's start with some facts. Fact, since 1993, premiums have dropped 56 percent. Fact, premiums dropped by 7 percent in 2011 alone. Fact, claims and injuries on the job site are down significantly. So the question remains, what's the problem? Here's how the system works now. The 25 percent of injured workers qualify for extended benefits. The average amount of impairment for the people in this group is around 12 percent. The proposal before you today removes the top 25 of the most injured workers threshold. It replaces it with a flat 25 percent impairment threshold. So let's recap: Today a person with about 12 percent impairment qualifies for extended benefits. The new threshold is 25 percent impairment, more than double.

So who are the people that will be affected? Pam from Hanover was 43 when she was injured at the Rumford Paper Company. She suffered respiratory injuries from chemical exposure and injuries to her low back, neck and hands. Because her husband has been disabled for nearly 20 years, Pam was the wage earner for the family, including two girls who were only 6 and 7. At the time of her 2004 injury, Pam was earning over \$1,400 a week in benefits, including medical insurance for her family. Because of her injury she was terminated. She qualifies for the maximum weekly benefit, currently \$634.13 a week. Because she has a permanent impairment, 19 percent, which is over the current threshold as a result of the injuries, she receives partial workers' compensation benefits for as long as she is unable to earn the same wage she was making at the time of her injury. Pam's permanent impairment rating is 19 percent, which does not meet the test proposed under LD 1913. If the proposed limit on partial compensation of 520 weeks applied to her injury, her compensation would end in year 2014 when she would only be 53 years old and her two children would be just 16 and 17.

Darryl from Biddeford injured his back in 2004 when he was 40, after falling on an escalator at work and he underwent a low back fusion. He is married with two children. Because he wasn't able to do his job, his employer terminated him. At the time of his injury, he was making \$1,100 per week and had benefits. Since then, he has only been able to earn \$450 a week with no benefits. Because he is only able to earn \$450 a week, he has been entitled to receive a partial incapacity benefit of \$394.24, which is 80 percent of the after-tax permanent impairment difference between his pre-injury and post-injury wages. These are all from your handout. I just wanted to make sure you read it, so I hope you will. Don't forget about Rebecca in Bath. She also wouldn't qualify. Her injuries are 15 percent.

It makes me nervous when insurance companies all line up on one side and say this is a good idea. Let's analyze this. Why is it great for them? Insurance companies make money by

paying out less money. So when do they make money? It won't be now, but it will start 520 weeks from now. That's when the group of injured workers between 12 percent and 25 percent impairment are cut off. These individuals are severely injured, have lost incredible amounts of earning potential. The benefits last 10 years. Someone who is 50 would be cut off when they're 60. Someone who is 35, my age, would be cut off at 45. I have a son who is 1 1/2. He would be 11. So what happens to these people who are cut off after 520 weeks? Where do they go? They come to see you and they come to see me for help. They survive on their savings, if they have any, until they are bled dry, until they lose their home, until they are completely destitute. What will that cost the state when those individuals seek public assistance? What does it say about our society if we let these most injured people slide into poverty? What does it say about us if we tell people with severely physical and mental injuries "Good luck" after 520 weeks? This is the bill that keeps me up at night. These are our most severely injured neighbors.

Since 1993, we've gone from the worst workers' comp system to 31st. During testimony, it was commented that if we were running a race, we shouldn't be satisfied with 31st. This is not a race. This is not a game. These are people's lives. Over and over again during testimony, we heard that if you've seen one workers' comp system, you've seen one workers' comp system. But people like to compare, so let's compare. People argue that Maine's benefits are more generous than our neighbors. My argument is what's wrong with that? We're generous and our rates are going down. It sounds like we struck a nice balance to me. Personally, I don't want to be Massachusetts or New Hampshire. I want to be Maine, and the Maine I know, we take care of our citizens, we care for each other, we show empathy. We want to help someone who's been knocked down. I hope each of us looks into the eyes of injured people, listens to their story. I hope each of us, I know each of us has plans and dreams. These folks had plans and dreams too. Playing with their kids in this backyard, taking the trip of a lifetime, picking up their grandkids and teaching them to fish, taking long walks with their loved ones, but something happened. Plans were smashed and dreams were trampled and now to make it worse, the rug will be pulled out from under them. The compensation will end but the injury will remain. Think of Pam, Paul and Rebecca. What was their dream? What will the next Pam, Paul and Rebecca do now? Thank you, Mr. Speaker.

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

Representative **CLARK**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I think what you've just heard now was the bare facts. I want to tell you a little bit of what happens to a worker when he gets hurt and you're looking at him when he is standing here today. When I went to work on a Monday morning at Great Northern Paper Company, I thought I was coming home with my legs and my arms and the last thing I thought I was going to do was get hurt. Look at the Speaker as he stands there now. Look at the top of the window. That's the height I fell in a morning when a valve let go and hit me right square in the face, knocked me unconscious and when I woke up I was at Eastern Maine Medical Center. I was out of work two years. I slept with my back on the floor for almost two years. When I went to work, I did not want to get hurt. I don't know of anybody who goes to work in the morning and wants to come home in a bag. You don't forget one thing: When you get hurt, no matter where you work, the doctor must put you out of work.

You are not the doctor; you don't tell him when you come back to work. You don't have that luxury.

I can tell you right now I could not live with myself sitting here

and not saying anything at all for the poor workers who are here in the State of Maine. What you're doing to them here today is unconscionable. Look in the mirror when you go home. Some of you must represent paper mills. Some of you must have worked in them one time or another. Some of you must have family members. Ask them what the problem is. Yes, the rates have gone down. I've been here in 1991 when we had a major problem with workmen's comp. The halls were lined up, you couldn't get up through the stairs. They didn't care who you were, they wanted something done.

Well, I'm telling you right now, Men and Women of the House, you're doing something here tonight you're never going to forget, you're never going to live down and the people are going to be affected by it every day of their life. I'm still hurt by it. I went back to work. I did not want any gift. The only thing I knew was working. Any of my brothers and sisters I worked with in those mills, the only thing know is working, making a living. The last thing you want is unemployment or anything else. There's good people in this state. Not everybody ought to be painted with the same brush as being a fraud, because none of us are a fraud and are offended by that. I sat here for two days just squirming in my seat wanting to say something because none of you has the gumption to stand up and protect the worker. Thank you very much, Mr. Speaker.

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

Representative **HERBIG**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I'm not going to re-stress the points that Representative Hunt made regarding the improvements that have been made in this system since 1993. I do want to stress that this has only ever caused a decline in cost of premiums for businesses. It's only caused a number of cases to decrease. It's also decreased the amount of weeks that people stay on workers' comp. I think it's great that we are looking at our workers' comp system. I think it's great, I think we should do this. We should look and create opportunities for efficiency in the system. But I am having trouble identifying the problem here. We're improving. I'm also, I think I'm having a greater time identifying what solution is being offered in this bill. I am really concerned because I think that this bill punishes the most injured workers the most, particularly workers that are going back part-time or full-time and receiving, experiencing wage loss. I mean these people have been injured. This is an incredible thing for them to go through, a terrible thing for them to go through, yet they are picking themselves up, they are going back to work part-time or they are going back and experiencing a serious wage loss. But it's that important to them.

Again, Maine work ethic. If the issue here is efficiency, like the changes in the proposed bill just decreases the incentive for people to get off of workers' comp and go back to work. I know this legislation undermines the integrity of this system as a whole and I am nervous that injured workers and all employees will lose trust in the system. I think that's what happens when legislation is pushed through in this manner. I consider it my job to prevent this from happening and to restore the public's trust in us. I just finally have to say this does nothing to create a job, this doesn't create a single job. It doesn't stimulate our economy. I think we need to get our eye back on the prize. I urge you to oppose 1913.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Crafts.

Representative **CRAFTS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Disability, what is disability? Disability is what you have in your mind that you've been convinced that you can't go on. Disability is convinced that

you have partial impairment and that you would rather have a lifetime of benefit and stay home. You know, I can tell you it's been 29 years next month since I was 100 percent paralyzed from the chest down. I still am, a little worse because I weigh about 100 pounds more. But anyways, another story. I just want to say that there's a will, there's a way. This is all about getting people back to work. I can tell you that in 1983 when I got hurt, in 1986, I started a construction company in a wheelchair. Yes, I ran the bulldozers and the excavators. I taught myself. I didn't go through any training. I was just determined. Yes, I do get up in the morning and look in the mirror and I say, again every day, "You can do another day. You can go to work another day. You can go to the State House another day." Not only that, you know what the responsibility was when I had my first child, had my accident, they told me I wouldn't have any more kids. I had five more kids. You know what kind of responsibility that is to get up and make a living and feed those kids, put them through private school and be the breadwinner and go and go and go every day?

The problem with our society today is we look for a way to not to work. We look for a way to get out of work. It's an entitlement mentality. We need to change the thinking. We need to convince people. In whatever situation they're living in, it's not like 100 years ago when most of us had to have a farm and go out and plant a garden and dig the garden up. I can't do that. But with modern technology, computers and other type of employment and jobs out there, people can be rehabilitated and go on and do things. This is what this bill does. This improves the system. This helps people. So I'll tell you, I'll be perfectly honest. I'm sick and tired of 29 years looking at people that are supposedly disabled, that can bend over, talk and walk that don't go to work. I've got no tolerance for them. Let's put people back to work. Let's fix this. Let's make it better. It is improved. Let's improve it some more. Let's get more people back to work. This is a great bill. Thank you.

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

Representative **DRISCOLL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I remember back, I believe it was like October, November of 2011, and I read an article, I believe it was in the *Bangor Daily News*. It seemed like a long time ago and we have worked on this bill for quite some time. It seemed to me that there were about 18 points in this article in the *Bangor Daily News* I think was supplied by the majority whip and a lot of the basis of reforming workers' comp at that time was under the guise of fraud. That concerned me.

I remember calling Mr. Sighinolfi, who was the relatively new executive director of the workers' compensation system and asked him for some factual information with respect to just how many successfully prosecuted cases of fraud were there in the workers' compensation system. I think I asked him over the last 10 years, just so I kind of got a comparative analysis of what was going on currently in the system. Mr. Sighinolfi was gracious enough to fax me or actually email me information with respect to cases that have been prosecuted successfully, and I believe the information he gave me at that time was up through either October or November of 2011, because that was when I had asked for the information. Or actually for that year, up until that time, there had actually been less cases successfully prosecuted than any of the previous years that he had given me information for. So, you know, I felt pretty good about that.

I think with respect to, you know, what we've been working on as a committee and what had been a bipartisan effort, not only with respect to the committee members but with respect to the stakeholders as well, such as some of you might have seen back in '92 with the blue ribbon commission around reform of the

workers' compensation system, which unfortunately wasn't the process that we used this time. Unfortunately, prior to our last or second to last work session we had recently, it seemed as though the process had broken down, the process had become partisan, the process did not involve all of the stakeholders. The process and the current legislation you have before us is from a number of business interests as well as the insurance industry. One of the members on my side of the committee actually asked Mr. Sighinolfi, because there seemed to be a movement with respect to how this legislation was going recently prior to, asked Mr. Sighinolfi who was involved in crafting this new piece of legislation before us. At that committee meeting, Mr. Sighinolfi was unable or felt uncomfortable actually offering that information to us. However, at a Workers' Compensation Board meeting yesterday, Mr. Sighinolfi was pressed as to who offered up the current legislation that you have before us, and, without naming names, I will just say that there was and this was per Mr. Sighinolfi that labor or any of the stakeholders from that side of the issue were not involved, that it was all specific individuals within the business and the insurance industry. So from my perspective and I believe as the good Representative from Topsham, Representative Prescott, had said, we've worked long and hard on this piece of legislation.

I just got an LD yesterday or today. It's unfortunate that it took the turn that it did. It's certainly something that we on this side of the aisle didn't want to see happen and it's unfortunate that it couldn't have come together, such as it did when the reforms were created back in '92, important reforms. The reforms that not only from my perspective but I believe from Mr. Sighinolfi, the insurance commissioner as well as the deputy director of Bureau of Labor Standards, their executive summary, I think, sums up how well the workers' compensation system works currently. There is a triagency report that is developed, I believe it's on an annual basis, that lets the Legislature know how the workers' compensation system is currently functioning. Let me just quote the executive summary from this triagency group and I already mentioned the three individuals who were involved and responsible for crafting the language.

Overall, dispute resolution is performing at high levels of efficiency. Compliance with the Workers' Compensation Act is high. Frequency of claims is down. Compensation rates have dropped 56 percent since 1993. MEMIC has recently declared a \$12 million dividend to Maine businesses. It sounds like it's working pretty efficiently to me and there have been numerous, over the eight years that I've served on Labor, premiums that have been returned to businesses over the years such as this. The board has reduced the assessment to employers by approximately \$3 million over the past two years, all of which contribute to one of the more stable workers' compensation systems in the country. Now I read that last sentence of Mr. Sighinolfi in the committee the other day and asked him to explain, you know, if you can create an executive summary that sounds so flowing and flowery as to how the system is working, what brought us here today? His comment to me is that he just, whenever he writes something, he likes to put a positive spin on it. Now I was kind of offended by that, especially from him because I have a great deal of respect for him. I didn't think spin was the appropriate word to use. When you're talking about people's lives, when you're talking about injury, I don't think putting a positive spin on something is appropriate. I think we all want factual, hard evidence that we can sit down and relate to and try to come to some consensus on. Obviously, the way things have gone, the split, the partisan nature of the current legislation we have before us, maybe I can now understand why Mr. Sighinolfi used the word "spin."

I'd just like to comment, the good Representative from Topsham, Representative Prescott, had mentioned something about everybody using the phrase "falling through the cracks." That was not everybody's phrase. That was Mr. Sighinolfi's phrase, let me quote him from an April 4th meeting, a work session we had. Let me quote Mr. Sighinolfi. "There will be a lot of people with serious injuries who qualify for extended benefits right now, who will not qualify for extended benefits under this proposal." Mr. Sighinolfi also acknowledged "People will slip through the cracks under this proposal." It's not what we were saying, it's what Mr. Sighinolfi, the Executive Director of the Workers' Compensation Board, was saying. I guess all I've got left to say is that I thought we were moving ahead in a positive direction and toward a bipartisan piece of legislation. Obviously, that's not what happened. My take and my feeling and my understanding of the situation that with respect to the workers' compensation piece of legislation we have before us, we've essentially handed the keys, such as we have done in other pieces of legislation this year, over to the insurance industry. We'll get on our knees and ask for forgiveness and hope that hopefully they'll be on our side when the need comes for those who are truly injured. Thank you very much, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Gilbert.

Representative **GILBERT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Maine is an outlier. We hear that often. Well, Maine is an outlier. No other state comes close to Maine's experience with workers' comp. Maine is the only state that has experienced a reduction in workers' comp rates in the last 19 of 20 years. We should not tinker with a program that works.

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. I'll be brief, but I just need to say what I need to say regarding this bill because it had personally affected my family as well. We were sent here to take care of our constituents. Why do we want to take away from them just because they're injured and we can? How can you go back to your constituents and say "I did this for you."? It's in your best interest to make you go back to work. What about the people who can't go back to work? There are honest injured people out there. Thank you, Mr. Speaker.

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

Representative **LAJOIE**: Thank you, Mr. Speaker. A lot has been said about the workers' comp. Having been on both sides of the issue, as a firefighter and then as a fire chief and a member of the administration, I saw both sides. I understand the aspect of having an individual after an injury going back to work. That's understandable and that should be our goal for just about everyone. However, there are times that those levels can not be accomplished. There was a letter in the *Sun Journal* not too long ago from one of my firefighters and I'd like to read it to you.

It says "Sometimes it is difficult for me to believe that people can turn away and pretend that others don't exist. That is exactly what the Legislature is doing with the changes suggested to workers' compensation. I was a firefighter for almost three decades. One morning, after working at a fire for 10 hours, I felt terrible. After three months of extensive testing, I was diagnosed with COPD and Reactive Airway Dysfunction Syndrome. At that time, I had only 30 percent lung capacity left. It is not surprising given my profession. I am proud to have been a firefighter and put my life on the line in order to protect the members of my community and assist other communities when they would call for

help. In order to sustain my ability to breathe, I am on 13 different medications each day. Many days I have to take them twice. It is simply unthinkable to me that my workers' compensation benefits might be taken away. In my profession, I put my life on the line to help others. Now I am asking the Legislature to look at me in the same way as I look at families in distress. I would ask that legislators not walk away from the fire when people are in trouble, it is just not right. If they do, I might as well say my farewell to everyone now."

I understand that the current bill possibly grandfathers this particular individual; however, I really cannot fathom seeing in the future should one of these firefighters and/or police officers, EMT paramedics, even a worker at the mill was mentioned not too long ago. The Reactive Airway Dysfunction Syndrome was described in 1985 as an asthma-like syndrome after a single high level exposure to an occupational or an environmental pulmonary irritant. This syndrome is characterized by persistent airway, hyper activity and nonspecific bronchial challenged testing. Most cases occur after an accident chemical spill or use of an improper work practice. The duration of exposure necessary to cause RADS may differ in the physical and chemical properties of the irritant and the intensity of the exposure level vary from a few minutes to 12 hours. I guess what I'm saying there is especially for the individuals in the future, it doesn't take very long for something drastic as that to happen. I also understand as I went along and read some of this bill and information that, in my opinion, the proposal undermines the integrity of the workers' comp system. The workers' comp is virtually important. It saves tens of thousands of Maine people from poverty. The proposal is a windfall for the insurance industry that will harm injured workers and undermine the system as a whole. We can do better.

The next paragraph is what bothered me somewhat and the reason it does is, I'll read it to you, this is unfortunate because a compromise was reached. Much of this bill had been agreed to and parties were working to find a compromise on the most contentious section which was Section 213. The executive director of the Board, workers' advocate and businesses were very close to a proposal that they could have lived with. Apparently that didn't work out. I think the bill that should be in front of us now should be a bill to move forward that same committee and continue their work to come to a compromise where we wouldn't have to be here and put ourselves in a position as we are. I appreciate the time to speak, Mr. Speaker, and ladies and gentlemen. I think this is very serious. As I said, I've been on both sides of the issue. I understand the process. I understand the process as far as a business person because I've been in business myself. I had employees. I did have workers' comp on them. It did cost me money every month, but I was very happy to have it in case something happened to them, because I could treat them as well as I would have been treated if I were in that position. Thank you again.

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

Representative **CLARK**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I'd like to thank everybody who has sent me notes, but I don't appreciate the note that was sent to me from the other side. It was extremely heartbreaking to get something from one of these from one of my colleagues. I don't like it.

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

Representative **CAREY**: Thank you, Mr. Speaker. Mr. Speaker, it's been argued that the problem that we're trying to fix, that when a worker gets hurt the problem is a worker's entitlement. I think it's helpful for us to remind ourselves of the

first thing that a workers' comp statute does, is it removes the worker's right, a worker who has been hurt at work, removes the worker's right to sue the employer for negligence. The workers' comp system is intended to replace that, even if a worker gets hurt by the inaction of a negligent employer. And now we're blaming the worker?

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

Representative **McCABE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. It's been a lively discussion during this debate and it's encouraged me to stand up and speak. Each day when I come to the State House, on my way here I pass the fire department and then I pass the Sappi Mill and I think of the inside and the working conditions in the Sappi Mill, and I think every time I have the opportunity to meet the folks that work there, how proud I am of those workers and how proud our community is of those workers in that place. I feel that that's just one example of the working people here in Maine. I feel what we're doing today is really turning our back on the working people of Maine. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Bryant.

Representative **BRYANT**: Thank you, Mr. Speaker. I worked at the Sappi Mill in Westbrook for 20 years. I've seen the injured workers. They deserve better. Thank you.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Prescott.

Representative **PRESCOTT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Change, why is change so difficult sometimes when it may be for the better? There has been reference to the 1992 changes that were made for the better by the Representative from Buxton and others, and for those who served back in the early '90s, it's been told to me that the Democratic caucus wanted no changes and yet we stand here today and talk about how positive those changes were. So perhaps 20 years from now, we'll all look back on this change, if this bill passes, as positive as changes reflecting back in the early '90s. Thank you.

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

Representative **HINCK**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I would say beware of the bills that we put off until the end of the session. Sometimes they are the most painful. I think this one falls into that category. The evidence doesn't suggest that this is a system that's broken. I heard from one business owner who told me that his workers' comp premiums have gone from \$2,129 in 1996 to \$1,344 in 2012. The trend is positive. In comparison, his health insurance has gone from \$17,854 to \$40,316. In other words, we are going to hurt disabled workers and not do much for a business owner. The business owner I heard from does not support this change.

I think the problem with the measure is it's arbitrary. We've heard that there is concern that some people that collect these benefits are not genuinely disabled. They've been referred to as supposedly disabled. There is the suggestion that if we cut off the benefits, they simply go to work. I think all of us know that no matter how many people we feel fit in that category, some people do not. There is no justification for limiting disability benefits to a specific period of time. Someone who cannot work and earn enough money to live one day will not find that capability the next day when the disability remains. That's the flaw with this legislation. There's nothing that suggests an emergency here. If there's something that needs to be addressed, it could be addressed in due course given that we're trending in the direction

that this bill would seek to take us anyhow. Thank you, Mr. Speaker.

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

Representative **GRAHAM**: Thank you, Mr. Speaker. Mr. Speaker, may I please pose a question through the Chair?

The SPEAKER: The Representative may pose her question.

Representative **GRAHAM**: Thank you, Mr. Speaker. Could anybody help me answer this question? After 520 weeks, what happens to the partially disabled worker? Do they have to become sicker or more disabled in order to get help to survive? Do they have to become completely impoverished before they can get any help? Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Engrossed as Amended by House Amendment "A" (H-941). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 325

YEA - Ayotte, Beaulieu, Bennett, Bickford, Black, Burns DC, Cebra, Chase, Clark T, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dow, Dunphy, Edgecomb, Espling, Fitts, Fitzpatrick, Flood, Fossel, Foster, Gifford, Gillway, Guerin, Hamper, Harmon, Harvell, Johnson D, Johnson P, Keschl, Knapp, Knight, Libby, Long, Maker, Malaby, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Newendyke, O'Connor, Olsen, Parker, Parry, Picchiotti, Plummer, Prescott, Richardson D, Richardson W, Rioux, Rosen, Sanderson, Sarty, Sirocki, Strang Burgess, Tilton, Timberlake, Turner, Volk, Wallace, Waterhouse, Weaver, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

NAY - Beaudoin, Beavers, Beck, Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Casavant, Chapman, Chipman, Clark H, Clarke, Dill J, Dion, Driscoll, Duchesne, Eberle, Eves, Flemings, Gilbert, Goode, Graham, Hanley, Harlow, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Kaenrath, Kruger, Kumiega, Lajoie, Longstaff, Lovejoy, Luchini, MacDonald, Maloney, Martin, Mazurek, McCabe, Monaghan-Derrig, Morrison, Nelson, O'Brien, Peoples, Peterson, Pilon, Priest, Rankin, Rochelo, Rotundo, Russell, Sanborn, Shaw, Stevens, Stuckey, Theriault, Treat, Tuttle, Valentino, Wagner R, Webster, Welsh.

ABSENT - Celli, Cornell du Houx, Fredette, Kent.

Yes, 75; No, 71; Absent, 4; Vacant, 1; Excused, 0.

75 having voted in the affirmative and 71 voted in the negative, 1 vacancy with 4 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-941)** and sent for concurrence.

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

ENACTORS

Emergency Measure

An Act To Amend the Law Regarding the Sale of Wood Pellets and Wood

(H.P. 1219) (L.D. 1610)
(CC. "B" H-937)

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. 129 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Revise the Target Prices for the Dairy Stabilization Program

(H.P. 1409) (L.D. 1905)
(S. "A" S-535; S. "B" S-546)

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. 130 voted in favor of the same and 4 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 Laws Pertaining to the Maine Economic Improvement Fund

(H.P. 1393) (L.D. 1885)
(S. "A" S-548 to C. "A" H-893)

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

An Act To Strengthen the Unemployment Insurance Laws and Reduce Unemployment Fraud

(S.P. 589) (L.D. 1725)
(C. "A" S-483; S. "C" S-545)

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. 326

YEA - Ayotte, Beaulieu, Bennett, Bickford, Black, Burns DC, Cebra, Chase, Clark T, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dow, Dunphy, Edgecomb, Espling, Fitts, Fitzpatrick, Flood, Fossel, Foster, Gifford, Gillway, Guerin, Hamper, Harmon, Harvell, Johnson D, Johnson P, Keschl, Knapp, Libby, Long, Maker, Malaby, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Newendyke, O'Connor, Olsen, Parker, Parry, Picchiotti, Plummer, Prescott, Richardson D, Richardson W, Rioux, Rosen, Sanderson, Sarty, Sirocki, Strang Burgess, Tilton, Timberlake, Turner, Volk, Wallace, Waterhouse, Weaver, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

NAY - Beaudoin, Beavers, Beck, Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Casavant, Chapman, Chipman, Clark H, Clarke, Dill J, Dion, Driscoll, Duchesne, Eberle, Eves, Flemings, Gilbert, Goode, Graham, Hanley, Harlow, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Kaenrath, Knight, Kruger, Kumiega, Lajoie, Longstaff, Lovejoy, Luchini, MacDonald, Maloney, Martin, Mazurek, McCabe, Monaghan-Derrig, Morrison, Nelson, O'Brien, Peoples, Peterson, Pilon, Priest, Rankin, Rochelo, Rotundo, Russell, Sanborn, Shaw, Stevens, Stuckey, Theriault, Treat, Tuttle, Valentino, Wagner R, Webster, Welsh.

ABSENT - Celli, Cornell du Houx, Fredette, Kent.

Yes, 74; No, 72; Absent, 4; Vacant, 1; Excused, 0.
74 having voted in the affirmative and 72 voted in the negative, 1 vacancy with 4 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

ENACTORS
Emergency Measure

An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government, Highway Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2012 and June 30, 2013

(H.P. 1412) (L.D. 1907)
(C. "A" H-931)

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. 136 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.

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

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.

Bill "An Act To Establish a Competitive Bid Process for Future Casinos and Slot Machine Facilities"

(H.P. 1400) (L.D. 1897)

TABLED - April 11, 2012 (Till Later Today) by Representative CURTIS of Madison.

PENDING - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-919)**.

Representative WILLETTE of Presque Isle **PRESENTED House Amendment "B" (H-942) to Committee Amendment "A" (H-919)**, which was **READ** by the Clerk.

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

Representative WILLETTE: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This amendment is a combination of an amendment I was going to put on originally, so this is a compromise. It's an amendment that all intended parties seem to be happy with. I'm happy with it to a certain extent. I get about half of what I wanted which isn't too bad. I guess in this place sometimes when you can get something, you ought to be happy. If you don't get everything you want, then I think you are over optimistic.

I'll just read the summary to you real quick for those of you who don't have this in front of you. This amendment adds a representative of the Agricultural Fairs and a representative of the hospitality industry to the commission to develop a competitive bidding process for the operation of additional casinos or slot machine facilities. The amendment also allows the commission to recommend a minimum cash bid or license fee in the amount other than the \$5 million. This basically takes care of a right sized casino or racino that is smaller in scale and it takes into account geography and demographics. The last bit, this amendment allows the Joint Standing Committee of the

Legislature having jurisdiction over casino matters to report out legislation, rather than a bill as proposed in Committee Amendment "A" to the Second Regular Session of the 126th Legislature. So like I said, everybody's on board with this that had concerns. Thank you.

Subsequently, **House Amendment "B" (H-942) to Committee Amendment "A" (H-919) was ADOPTED.**

Committee Amendment "A" (H-919) as Amended by House Amendment "B" (H-942) thereto was ADOPTED.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-919) as Amended by House Amendment "B" (H-942)** thereto and sent for concurrence. **ORDERED SENT FORTHWITH.**

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Allow the Town of Fort Kent To Create a Downtown Tax Increment Financing District Using the Current Assessed Value of the Downtown" (EMERGENCY)

(H.P. 1414) (L.D. 1910)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-929) AS AMENDED BY HOUSE AMENDMENT "A" (H-933) thereto in the House on April 10, 2012.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-929) in NON-CONCURRENCE.**

The House voted to **RECEDE AND CONCUR.**

ORDERS

On motion of Representative HAMPER of Oxford, the following House Order: (H.O. 48)

ORDERED, that Representative Bruce A. Bickford of Auburn be excused January 17, 19, 31, February 8, 14, 22, March 14, April 4 and 9 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Mark N. Dion of Portland be excused April 5, 6, 9 and 10 for personal reasons.

READ and PASSED.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-940)** on Bill "An Act To Improve Environmental Oversight and Streamline Permitting for Mining in Maine"

(H.P. 1371) (L.D. 1853)

Signed:

Senators:

SAVIELLO of Franklin

SHERMAN of Aroostook

Representatives:

HAMPER of Oxford

AYOTTE of Caswell

DUCHESNE of Hudson

KNAPP of Gorham

LONG of Sherman
 NASS of Acton
 PARKER of Veazie

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

Signed:

Senator:

GOODALL of Sagadahoc

Representatives:

HARLOW of Portland

INNES of Yarmouth

WELSH of Rockport

READ.

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

The SPEAKER: The Chair recognizes the Representative from Oxford, Representative Hamper.

Representative **HAMPER**: Thank you, Mr. Speaker. I will put this bill in a nutshell and that is due to last night and all, we had the opportunity to revise a section of the statute that hasn't been looked at since 1991. The committee has set up a very detailed framework in which the Department of Environmental Protection is to write rules and there it is in a nutshell. We took a lot of time, we put a lot of detail into the statute and this is going out to rulemaking. And by the way, it's major substantive rules so everybody will get a crack at it again in two years, the committee and also this body. Thank you, Mr. Speaker.

Representative CAIN of Orono **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 Portland, Representative Harlow.

Representative **HARLOW**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is really every freshman's dream to stand up in opposition to Representative Martin's legislation. This proposal came to us in the middle of March, and it was written by Pierce Atwood and it was a proposal to change the 1991 mining rules, and the 1991 mining rules were written by DEP and LURC. The rules were, as we were told, outdated so we began to work on the bill that was presented to us. The good Representative from Oxford and the good Senator from Franklin, Senator Saviello, allowed us a lot of latitude as far as people speaking from the public and anyone speaking pretty much any time we wanted, and we did have a public hearing on this and we worked many, many days. That being said, we had no real experts to speak of on either side, proponents or opponents of mining. We did have and no offense to any lawyers in the room, but we did have one mining lawyer so that was our real expert. Had we had more time, we might have been able to get people to come in and give us the details of what a mine, what a well run mine is like, what a nonpolluted mine is like, if there's such an animal, and we did ask those questions and we received some pictures with some before and after and a little bit of language, but it really never told us what they were doing differently than the mines that pollute. The groundwater standards from 1991 in our current statute are very different and they do not, as I see it, protect the groundwater standards as much as I would like to see.

This process was also based around Bald Mountain up in Aroostook County and I think sometimes we lost sight of the fact

that it was a statewide bill and that concerns me a bit. The process, while we did have ample opportunity to speak, the bill was not easily accessible to people who were not watching closely or did not know to call the committee. It was on the OPLA website but you wouldn't know that. We did change the bill every single day pretty much with amendments and so if you were not following, you would have no idea what was going on.

One of the other things is the financial assurance piece. The 1991 rules that were written by DEP and LURC had a piece of it that only allowed a company to have a trust. We opened that up so that we gave the DEP more latitude as to what they accepted for financial assurance. This was also a piece of concern for me and others on the committee.

We are sending this out to rulemaking. The one thing that it's important to know is that it's going to cost us a half million dollars to send this out to rulemaking. There is a fiscal note, but it's being absorbed within the committee, \$250,000 will be coming from the uncontrolled hazardous substance sites, \$250,000 will be coming from the groundwater oil cleanup site and we really do not have an application so we're sending these out for rulemaking with no guarantee that we even have an application. In the bill or in the statute we have written that we will pay back these funds, but we don't know that we even have an application. The jobs, which obviously is a big concern for everyone sitting here, are temporary jobs. The last mines that were open before '91 were open for five years. Admittedly this is a bigger mine, but there are jobs for 10, maybe 15 years, and then when they leave, when jobs are gone you've ruined the land and what do you do with the land then? I think that pretty much covers what I wanted to say about it, and I hope that you would follow my light and vote against this bill. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House. I want to give you a little background as to one of the reasons why this is here. I'm going to go back a few years and tell you where Aroostook County is going. Once the next Census figures out the numbers of legislators for the House of Representatives, we will be down to eight. When I came to Augusta, we were 16. That's what's happened to Aroostook County, and during this time, we've gone from better than 100,000 acres of potatoes planted to about 60,000. At the same time, the forest industry with the number of men and women necessary to be used in the woods has gone down and the overall impact, of course, is substantial. This coming year in the Saint John Valley, Fort Kent Community High School will graduate about the same number of graduates for the three remaining schools in the valley and the same has occurred through the rest of the county. The one thing we have in Aroostook County, obviously, is our land, our trees, our minerals, our resources, and what we have before us today is an ability to help turn that around. It is not the perfect fix, but it is a way in which we can start to look for the future and so when it became obvious that there are possible resources here that are possible to mine, then it certainly was something in which I had an interest and also had a concern.

Some of you already know this if you looked and probably doing a little advertising, I own a set of sporting camps on Fish Lake, and the distance to where this location will be is about, as the crow flies, 6.5 miles. And as a matter of fact, the first pond that flows into Carr Pond, known as "Little Clayton," is about a mile away from one of those locations we're talking about. So for people who believe that I don't have an interest in the environmental, protecting my own backyard is of number one concern. So when we started talking about the issue, a concept

draft was put in as you know, and then my next step was to talk to the environmental groups to tell them what we were doing. And I wanted them to be involved from the beginning, and they did become involved. At one point, I had to maybe push a little harder than maybe I wanted to but suggested to them they needed to write some amendments so the committee could deal with them, and they did. To their credit, they came forward and you can talk to members of the committee who participated in this process how many of those items are part of this bill today.

Someone has asked me "Is it a concern?" Of course it is, but I am satisfied today as we move forward because, in two years, we'll have the rules under which we operate the mine and those will be, as Representative Hamper has pointed out to you, that will be the real part of where we go and the real meat to make sure that there are no environmental impacts to northern Maine. And I am firmly convinced and I would not do so if I did not believe that this was the right thing to do, and I will be more than happy to put up my environmental record against any person who wants to put up theirs. In my legislative history, I'm not going to mention what they are because some of you will oppose them or have opposed them, but the issue basically is that my environmental record is there for people to see and to read and hear and understand, and I'm willing to put that up against what we are doing today as a way we in Aroostook County can move forward. I know that there are many people who are concerned and so am I, but I would hope you share with me the way, perhaps a process, that we can begin to move and look forward in Aroostook County and maybe and just maybe less of our graduates will end up in southern Maine and Connecticut and other places, and they will stay in northern Maine after they graduate from high school or college. So I plead with you today to vote for the Majority Report.

Finally, I want to add this: I want to thank the members of the committee of both parties, whether they were proponents, opponents, signed for it or against. The amount of time that they devoted to this particular piece of legislation is more than I have seen on most major pieces of legislation in my history and the amount of time that they took to understand the issue, to me, was absolutely amazing and I want to congratulate them and thank them. Thank you, members of the House.

The SPEAKER: The Chair recognizes the Representative from Brooksville, Representative Chapman.

Representative **CHAPMAN**: Thank you, Mr. Speaker. Mr. Speaker, Friends and Colleagues of the House. I represent the only district in Maine that has had an operating metal mine since the end of World War I. There are two mines in my district that were operating, the only two mines in Maine in the past three generations. It is important to understand the history of the metal mines in my district which, by the way, is coastal Hancock County. The town of Brooksville is the home of one of the mines, the Callahan Mine, and the town of Blue Hill, the largest town in my district which is the home to the other mine, which has had various names over the years, most recently the Kerramerican Mine. We need to understand this history so that we do not repeat our past mistakes. I will be fairly brief, but I will start back in the 1800s.

In 1848, gold was found in California. It resulted in the California Gold Rush. It lasted about six years. Something you may not know that in 1878 silver was discovered in Maine and created what was called the Silver Boom. It lasted also for about six years. During that period of time from 1880 to 1884, a mine was started in Blue Hill by the name of the Douglass Mine. By the way, all of the mines that we're talking about, the two in my district, the one that's being considered in Aroostook County and any others, any other metal mining in the state are mining similar

sulfide deposits that were laid down 500 million years ago by volcanic activity. The mine in Blue Hill ran for, as I say, four years in the 1880s. It's significant to note that the population of Blue Hill achieved its peak population at that time. It was a prosperous time for coastal Hancock County. Since that time, the population of Blue Hill fell steadily every year for the next 50 years. It bottomed out in 1960. The same is true for Brooksville. That's significant. I'll come back to that point. Then the mine ran again for a few years around World War I, from 1914 to 1918, and when that mine closed in Blue Hill, that was the last mining operation in this state until the 1960s and the 1970s, which I'll describe in a moment. There were more than 40 years, therefore, with no metal mining in Maine and the reason was not the restrictive environmental laws. The reason was the economics of mining. You have to move a lot of rock for relatively little value, but it depends on what the value of the minerals are. It depends on the concentration. It depends on how easy it is to get.

So now into the more recent history, in the early 1960s, then Governor of the state, Governor John Reed was in favor of promoting the mining interests in Blue Hill. He came to visit the mine. That was the mine location. It was a great pleasure to the owner that was trying to raise money to proceed with the mining activity. The people in Blue Hill welcomed the advent of the mining interests there. In fact, it was with great fanfare in 1964 that the mine was officially opened. They called it a groundbreaking. Of course, there had been a mine there, but this was a much larger operation. It was a large operation intending to produce 200 to 300 jobs that would last at least 10 years, perhaps as many as 20 years. It was intended to remove many millions of tons of ore. It was a gross value of tens of millions of dollars. It was intended to have an annual payroll of a million dollars when it was in full production. So the Governor arrived by helicopter and the town officials, county officials, state legislators and the Secretary of State and the president of the mining company and a variety of other dignitaries came to the grand opening, invited the public. They were served a lobster lunch. This was really a big deal that so much good economic activity was coming to the area. Before that mine got into full production, two towns over in my hometown, an open pit mine was started in the town of Brooksville and that operated from 1968 until 1972. That site is now an EPA superfund cleanup site. The cost of the cleanup is estimated to be \$23 million. Although I am the only Representative of an area that had a working mine in the last 90 years, everyone in this room represents taxpayers who are helping to pay for that cleanup site through both state and federal taxes. That cleanup activity began about a year ago, with the phase 1 about complete now and phase 2 beginning now to continue for the next few years. The mine tailings of that mine have not yet been stabilized.

Let me go back to the mine in Blue Hill which was an underground mine. That began extractions in 1972. It lasted for five years. It employed a maximum of 100 people. Fifteen years later – by the way, before that mine started, this Legislature had passed the Mine Reclamation Act of 1969 and so when that mine closed, the proper closing procedures were applied. Glacial till and topsoil were put over the mine tailings. Fifteen years later, that had eroded away enough for 10 to 12,000 pounds of dissolved zinc to be released into surface waters per year, and so a few years ago, at the cost of \$10 million, a geosynthetic cover system was applied to the mine tailings of the mine in Blue Hill.

So what I want to do is connect a couple of dots here. The first is the value of the minerals in the mine and the value of the cleanup efforts, I think, we have to hold in juxtaposition. The second thing that we have to look at is the quality of the jobs.

The estimation was 200 to 300 jobs for 10 to 20 years. It turned out to be 100 jobs for five years. By the way, one of the difficulties in predicting the length of time that the jobs will last is it depends upon both the quality of the ore that's being removed from the mine as well as what the market value is of the mineral resources at the time. As soon as the cost of extraction exceeds the value, the mine shuts down and all the jobs are gone. Now I mentioned the population decrease. It hit a bottom in 1960 in this area after a 50-year decline. I did look up the population statistics for Eagle Lake in Aroostook County. It's population peaked in the 1940s and has been declining ever since as we've heard. I understand the economic desperation of the area. The question is are these valuable jobs? Is this the direction to put investments? There's clearly some investment that we need to make just to write the rules or to change the rules. I note that when we were discussing the Maine Economic Investment Fund, we recognized that that was targeted to seven technology areas. Those technology areas did not include mining and so I question whether investments in mining is an appropriate thing for Maine.

I'd like to leave you with one final thought which is the people in my area do not discuss the mines. It's a matter of local shame. It's a matter of local disappointment. It's a matter of these environmental disasters that are in our neighborhoods. It's the failed expectation. It's the continuing costs and the unknown continuing costs associated with it that leave a very bad taste in the mouths of my local residents. I should point out that when the EPA superfund cleanup site is finished spending the \$24 million, it will not have addressed, will not have begun to address the groundwater contamination or even the surface water contamination. It's only to stabilize the mine tailings and remove contaminated soils that have posed an immediate health threat to local people. So I question whether there is such a thing as a cleanup activity that can happen to a mine to leave it in a reasonable state. I'll end there, Mr. Speaker. Thank you.

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

Representative **WILLETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I want to thank the good Representative Chapman from Brooksville for giving us a history lesson on the history of mining in the State of Maine and basically highlighting all the wrong things that have been done in resort to our mining practices in the State of Maine. I think it's from that history why we have in front of us LD 1853. LD 1853 basically rights the wrong. I don't know if any of you sat down and actually read this, but this afternoon I printed off and read through all 23 pages and I've got to tell you, if there was ever anything that we passed out here that I felt more comfortable with, it would be LD 1853. They've got all the bases covered. I want to tell you that up until this point the emails that I received from a lot of the environmental groups, it was pretty amazing the misinformation that was put out there. I had fun responding to those emails. I didn't get any responses back so I guess I must have struck a nerve or maybe disseminated the right information.

Starting on page 11 of this bill, if you start reading Section 490, "Mining permit; application procedure," read it and when you're done reading it, I don't know how by the time you're done reading you could feel nervous about anything. DEP and LURC are going to guide this thing from its inception up until its completion, okay? For me, being from Presque Isle, I'm kind of off the beaten path from the Bald Mountain project by, oh, I don't know, I don't dare guess, maybe 45 miles, maybe 30 miles, I don't know. But being from Aroostook, I can't deny that 300 jobs, site jobs, I can't ignore that and then another 300 residual jobs outside in surrounding areas, I can't deny that either, and this ties in very well with the work that we did awhile back with reclaiming

our railroad. This will utilize our railroad and make it more viable. So, to me, reading the bill, front to back, I'm as comfortable as a clam with this thing and I encourage you to vote for the Majority Ought to Pass. Thank you.

The SPEAKER: The Chair recognizes the Representative from Veazie, Representative Parker.

Representative **PARKER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I want to also compliment the Representative from Brooksville for giving us a history of what we shouldn't do. The era when that was developed is the same time when the paper mills dumped sludge and bark into the rivers. We had no rules, we had no regulations. The site law didn't come into play until 11 years after that date, so there was nothing out there to control what went on. There was a comment made earlier that well no application has been presented. Right, because there is no process valid that the DEP can put under. There is an old mining bill that was put through back in 1989. Should someone submit an application under that that we try to change the rules, we have all kinds of issues to deal with. All this bill does is empower the DEP to establish a set of rules which have to then go through a series of public hearings through the DEP, the BEP and then back to the Environment and Natural Resources Committee for adoption. I would think there is going to be an awful lot of public input and an awful lot of public comment before that happens.

This is being talked about as the Bald Mountain site. Bald Mountain is one potential resource. That particular group may or may not ever be successful under this set of rules once they're established, but there are other sites in this state as well. We're a resource-based economy and if we lock up our resources, then what do we have for an economy? Are we going to stop cutting our trees tomorrow because we might cut them improperly? No, I think we have to take a look at this. I don't condone going out and doing what we did at Blackhawk or Callahan Mines. I think it was done under maybe what was presumed to be the state-of-the-art at that time. It was done poorly and we have to pay for it. If we set the set of rules together that we're working on now, we shouldn't have to face that because there are many, many things being said of this regulation that have to be debated and determined. We don't have that before us right now because it's inappropriate to write in law all the fine details that have to be worked out through public hearings, input from environmental groups, input from communities, stakeholders, all of that is part of the process which we're starting. We're not ending it at this point. So again, I compliment the Representative from Brooksville because he gave us a good dissertation of what we don't want to do again and this hopefully will prevent us from doing that. Thank you.

The SPEAKER: The Chair recognizes the Representative from Embden, Representative Dunphy.

Representative **DUNPHY**: Thank you, Mr. Speaker. Mr. Speaker, in spite of all I've heard, I don't think Aroostook County is going to disappear in the next 12 months and I don't think the minerals are going to be gone either. I've heard a lot of comments about late bills and the risk and not being able to take the time to vet the information, and I think this perhaps is one of those. A few years back, my understanding is that this body passed an expedited wind bill that really has created huge potentially environmental impacts in my district and I'm not sure that this isn't the same thing. The watershed that has the potential to be affected is the west branch of the Penobscot and that's a major water supply for us. So I see absolutely no reason for not putting it off, waiting until next year, submitting the bill as was, as I understand, requested, and letting the process flow in a natural manner rather than pushing it along. Thank you.

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

Representative **HARLOW**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just had a few points that I wanted to make and I will sit down. First of all, mining is not a clean business so I just wanted to point that out. The water quality is the same as the wastewater standards, so if you want to drink wastewater then the water will be fine for you. Many of us felt that this is a brand new topic for everybody in the committee, even for the good Representative from Hudson, Representative Duchesne, who undoubtedly knows more than anybody on the committee probably and this was new to him as well. So I know I felt like I really didn't have enough expert advice from the outside telling us how this was really done to even write a statute to send it out well to rulemaking.

Two other things. One is that the half million dollars is coming from two different sources within the DEP, but that's \$500,000 just to write the rules, to go out and get experts to come in and tell us basically what we don't know, which is quite a bit. This is again not an Aroostook County bill. This is a statewide bill. It relaxes the rules for the entire state. There is Parmachini in the Western Mountains, Mount Chase, Acton, Moosehead. I mean there are other places. So this is not – and there are people sitting in the room obviously for other reasons than just leisure, listening about the mining rules – so I wanted to point out again this is not an Aroostook County bill. Thank you very much.

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. 327

YEA - Ayotte, Beaudoin, Beaulieu, Beck, Bennett, Black, Bolduc, Bryant, Burns DC, Cain, Carey, Cebra, Chase, Clark H, Clark T, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dill J, Dion, Dow, Duchesne, Edgecomb, Eves, Fitts, Fitzpatrick, Flood, Foster, Gifford, Graham, Guerin, Hamper, Hanley, Harvell, Hayes, Johnson D, Johnson P, Keschl, Knapp, Libby, Long, Malaby, Martin, McClellan, McFadden, Morissette, Moulton, Nass, Newendyke, O'Connor, Parker, Parry, Peterson, Picchiotti, Plummer, Prescott, Richardson W, Rioux, Rosen, Sarty, Shaw, Sirocki, Strang Burgess, Theriault, Tilton, Timberlake, Tuttle, Volk, Wallace, Waterhouse, Weaver, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

NAY - Beavers, Beliveau, Berry, Bickford, Blodgett, Boland, Briggs, Casavant, Chapman, Chipman, Clarke, Cotta, Driscoll, Dunphy, Eberle, Espling, Flemings, Fossel, Gilbert, Gillway, Goode, Harlow, Harmon, Haskell, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Kaenrath, Kruger, Kumiega, Lajoie, Longstaff, Lovejoy, Luchini, MacDonald, Maker, Maloney, Mazurek, McCabe, McKane, Monaghan-Derrig, Morrison, Nelson, O'Brien, Olsen, Peoples, Pilon, Priest, Rankin, Richardson D, Rochelo, Rotundo, Russell, Sanborn, Sanderson, Stevens, Stuckey, Treat, Turner, Valentino, Wagner R, Webster, Welsh.

ABSENT - Celli, Cornell du Houx, Fredette, Kent, Knight.

Yes, 80; No, 65; Absent, 5; Vacant, 1; Excused, 0.

80 having voted in the affirmative and 65 voted in the negative, 1 vacancy with 5 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-940)** 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-940)** and sent for concurrence.

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

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 Establish the St. John Valley Regional Planning Commission"

(H.P. 578) (L.D. 771)

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

That the House **RECEDE** from **PASSAGE TO BE ENGROSSED As Amended by COMMITTEE AMENDMENT "B" (H-865)**; **RECEDE** from **ADOPTION of COMMITTEE AMENDMENT "B" (H-865)** and **INDEFINITELY POSTPONE** same. **READ AND ADOPT COMMITTEE OF CONFERENCE AMENDMENT "A" (H-948)** and **PASS** the **BILL TO BE ENGROSSED As Amended by COMMITTEE OF CONFERENCE AMENDMENT "A" (H-948)** in **NON-CONCURRENCE**.

That the Senate **RECEDE** and **CONCUR** with the House.

Signed:

Representatives:

DOW of Waldoboro
AYOTTE of Caswell
TUTTLE of Sanford

Senators:

RECTOR of Knox
MARTIN of Kennebec
HOBBINS of York

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

The House voted to **RECEDE**.

Subsequently, **Committee Amendment "B" (H-865)** was **INDEFINITELY POSTPONED**.

Subsequently, **Committee of Conference Amendment "A" (H-948)** was **READ** by the Clerk and **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee of Conference Amendment "A" (H-948)** in **NON-CONCURRENCE** and sent for concurrence.

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

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

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-938)** - Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Make Additional Supplemental Appropriations and Allocations and To Change Certain Provisions of the Law for the Fiscal Years Ending June 30, 2012 and June 30, 2013" (EMERGENCY)

(H.P. 1405) (L.D. 1903)

Which was **TABLED** by Representative FLOOD of Winthrop pending **ADOPTION of Committee Amendment "A" (H-938)**.

Representative FLOOD of Winthrop **PRESENTED House Amendment "F" (H-949) to Committee Amendment "A" (H-938)**, which was **READ** by the Clerk.

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

Representative **FLOOD**: Thank you, Mr. Speaker. First, I would like to provide a little information on Committee Amendment "A" for the body. It is our sixth budget type document proposed to the Legislature by the executive branch this session and is brought to you in an amended form by the Approps Committee today after about one month of review and discussion. It comes to the floor of the House today as a unanimously approved bill as amended by the committee. We do strive for that unanimity in order to convey to you that considerable work has been done to find the essential consensus. Because of the emergency nature of this bill, it requires a two-thirds majority support in both bodies. It does require consensus and we now seek your support. I want to take a few moments to make some comments on some of the more important aspects of the bill. I also want to make some comments on some of the pieces that may not get as much notoriety but are important for your consideration.

First, I want to mention that just because we were able to reach consensus, that does not mean it was easy. In fact, I think you all know that finding an agreeable solution for 13 committee members is often the most difficult part of our jobs, particularly when the subject areas tend to be compelling and divisive and very important, lending themselves to highly polarized points of view. That's not an envious place from which to begin deliberations, but it's the proposal we were presented with and I thank the committee members and the staff for sticking with this, even when I felt at times that it just wasn't going to happen this time. I want to express thanks very much to Representative Rotundo and her caucus members, as well as my colleagues in the Republican caucus, and all the committee members feel blessed to have such a great staff of people in Office of Fiscal and Program Review who help us with critical data, calculations and the necessary information to assist us in our deliberations. We also thank the revisors for their work on all of our budget bills and the many amendments that they see.

A few comments and I will be very brief. The urgent fiscal year '12 funding needs for the next three months in this bill were and are funding for fueling for state-owned buildings, funding for the state share of disaster relief, funding for Child Development Services shortfalls, funding for General Assistance shortfalls, funding for indigent legal services, funding for public safety, the fire marshal, Criminal Justice Academy, funding for the Health and Human Services licensing operations, funding for the Gambling Control Board, there was a General Assistance shortfall and there is miscellaneous reclassifications. The committee also suggests to you \$16 million of other critical General Fund spending at fiscal year '13 dealing with a disproportionate share of hospital funds and other mental health funding issues, General Assistance again, Child Development Services, Gambling Control Board reclassifications. The committee suggests further additional spending in fiscal year '12 and '13 for new sales tax exemptions on certain breathing equipment, support for the computer crime lab, court security, Dorothea Dix Dental Clinic, Department of Human Services licensing operations and management initiatives, and a variety of other items.

We utilized savings in the following areas in year '12 and '13: \$10 million from lapsed balances and \$8 million from other balances in the General Purpose Aid from funds not spent in several previous years that were anticipated for Debt Service,

state wards funding and bus purchases. We reduced General Assistance costs by \$1.7 million through several significant initiatives involving a 9-month limitation on housing, a task force, a pilot project, reductions in maximum person General Assistance expenditures and reducing the state share of funding for some municipalities from 90 percent to 85 percent. Those are important initiatives and they were developed after listening carefully to the many stakeholders that we work with. We utilized savings brought forth by the executive branch regarding the Governor's retirement plan of \$2.2 million. We utilized savings from the retirement incentive program. We transferred \$2.25 million from the now available balances in the Clean Election Fund. We capture about \$10.5 million from salary savings, central service rate reductions and changing the attrition factor from 5 to 6 percent. And we thank the Treasury Department for achieving \$3.4 million of debt service savings and the University of Maine for debt service savings of \$932,000. We also achieved \$230,000 from the many changes proposed and made by this amendment in the State Planning Office converting to an Office of Policy and Management organization. Also, \$500,000 from reorganizing portions of the corrections system and other miscellaneous savings of about \$329,000.

There were several items that we did not accept that deal with tax increment financing proposals, personnel changes between the Department of Conservation and the Department of Environmental Protection, additional portions dealing with income tax reductions and to granting additional subpoena powers. The committee did not concur with the proposed reductions to higher education and Maine Public Broadcasting and directed significant changes in the commitments we would have to MPBN in the future, turning it more to a fee for services plan that will be developed in ensuing months. The committee made additions to spending with minor appropriations for women who work in the community, a state museum pilot project, a building refurbishment and retirement funding for a retired honored military member. The committee supported not always unanimously several significant initiatives proposed by the executive branch regarding the Office of Policy and Management, corrections and education. My thanks to all the Joint Standing Committees that assisted us, to members of leadership who assisted us and to the Appropriations Committee members and our outstanding staff. So I want to close by personally thanking Commissioner Millett and the Senator from Hancock, Senator Rosen, for their steady hands throughout this process. Thank you, Mr. Speaker. When the vote is taken, I do request a roll call and I would like to speak to Amendment "F" which is a technical amendment and it is often necessary to provide an Appropriations Chair technical amendment to a document that's roughly one inch thick. We missed some things along the way. I've done this in each of the previous budget bills. There are six clarifications and oversights contained in the House Amendment "F," and I want to thank both the OFPR staff and the revisors for catching these and developing this technical amendment "F." Thank you, Mr. Speaker.

Subsequently, **House Amendment "F" (H-949) to Committee Amendment "A" (H-938)** was **ADOPTED**.

Representative MOULTON of York **PRESENTED House Amendment "A" (H-943) to Committee Amendment "A" (H-938)**, which was **READ** by the Clerk.

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

Representative **MOULTON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am presenting what I would describe as a friendly amendment, quite like that already contained in this document which, in this case, is different

from that which I refer, which concerns certification of code enforcement officers to be reviewed in one year by LCRED. In the case of this amendment, Mr. Speaker, it is to do two things. One is with the relocation of the land use planning unit from the soon to be nonexistent State Planning Office into the bowels of the Department of Conservation. If anyone would care to look at LD 1903 and see the language section, the first section in the language is the repeal of Title 5, Chapter 311, which contains a job description for the old State Planning Office, including the land use planning functions. So this amendment, briefly, Mr. Speaker, has to do with retention of that language so that these folks moving to a new agency will have a job description and that at the end of the year the Department of Conservation will submit proposed language back to the Legislature, specifically the State and Local Government Committee, in order that we may codify the job description for these people. I find it ironic, Mr. Speaker, that the work group as authorized by language FF within last year's budget, which may or may not be LD 1043, but I tend to forget those numbers after awhile, was composed primarily of administration people who employed, in their words, a very clever and informed drafts person who happened to put in language sending the specific job of reviewing comprehensive plans over to the Department of Economic Development, while in its revised format sending the land use people who do comprehensive planning for municipalities over to the Department of Conservation. This was brought to my attention by a stakeholder this morning, Mr. Speaker, which I promptly brought back to the attention of the administration and the Revisor's office and was initially told, oh, that was intentional and then later they admitted that, oops, we made a mistake. So, Mr. Speaker, we've actually got at hand a good reason why this language, this job description for the land use planning people should come back to the Legislature for further review, hence the need for the motion.

If I may broaden my discussion of this amendment slightly, Mr. Speaker, over the next three or four minutes for the rest of you, the process here started with a reorganization of Maine State Planning that arose out of a budget article. The working group that constituted the minds behind this reorganization was heavily weighted towards the administration and with minor representation by stakeholders and in the course of the meetings, which ranged monthly between July and October, all of which I attended as well as at least one other member of this body, at the very end of these meetings the stakeholders expressed concerns about where things were going and whether or not they were actually going to serve their consumers. In this case, municipalities, regional planning commissions, Mr. Speaker, and other agencies in order to do their job effectively, because one of the missions in this time of economic need is to work on economic development and everybody wanted to see that the job was done correctly with this reorganization. So why is there such a determined resistance to having this language inserted for a job description? Back in January, the stakeholders including Maine Municipal, Maine Association of Planners, Regional Planning Commissions and Smart Growth all met with representatives of the Chief Executive and complained about the lack of language and were basically told there, there, now, it's okay, we'll do a good job. Well, Mr. Speaker, if the Chief Executive is going to take care of all of our needs, then why have a Legislature? Why go to the trouble of ensuring that the things that past Legislatures, that the government has enacted actually get done? In this case, the language has all disappeared and even in the writing of the budget supplement, there have been mistakes, Mr. Speaker. So I am making merely a simple request, Mr. Speaker, and request that this chamber adopt my amendment. Thank you, Mr. Speaker.

Representative FLOOD of Winthrop moved that **House Amendment "A" (H-943) to Committee Amendment "A" (H-938) be INDEFINITELY POSTPONED.**

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

Representative **FLOOD**: Thank you, Mr. Speaker. Items within this area within the proposed larger amendment before you have been handled by a subcommittee of several people within the Appropriations Committee and working with the executive branch during the development of the bill in front of you. After this came about, this whole reorganization came about as a result of a one-year study, as the Representative has discussed, then it came to us in the proposal, is now in the Committee Amendment and it deals with the restructuring of the State Planning Office and the Office of Policy and Management. The subcommittee of both caucuses worked with the executive branch representatives for a significant period of time and they found consensus and common agreement on the changes. And I believe it's important to keep those intact as developed as part of this Committee Amendment and I regret the motion, but I think it's important to move Indefinite Postponement and I request a roll call.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-943) to Committee Amendment "A" (H-938).**

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, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **SHAW**: Thank you very much, Mr. Speaker. It is an interesting subject to me and I was just wondering if anyone could tell me what just a brief description of the duties of the four jobs that we're talking about in the amendment would be or are presently. Thank you.

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

A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-943) to Committee Amendment "A" (H-938). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 328

YEA - Ayotte, Beaudoin, Beaulieu, Beliveau, Bennett, Bickford, Black, Blodgett, Burns DC, Cain, Carey, Cebra, Chase, Clark H, Clark T, Clarke, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dill J, Dow, Dunphy, Edgcomb, Espling, Eves, Fitts, Fitzpatrick, Flemings, Flood, Fossil, Foster, Gifford, Gilbert, Gillway, Guerin, Hamper, Hanley, Harmon, Harvell, Haskell, Hayes, Herbig, Hogan, Hunt, Johnson D, Johnson P, Keschl, Knapp, Knight, Kruger, Kumiega, Lajoie, Libby, Long, Longstaff, Lovejoy, Luchini, Maker, Malaby, Martin, Mazurek, McCabe, McClellan, McFadden, McKane, Morissette, Morrison, Nass, Nelson, Newendyke, O'Connor, Olsen, Parker, Parry, Peterson, Picchiotti, Pilon, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Rioux, Rochelo, Rosen, Rotundo, Sanderson, Sarty, Sirocki, Stevens, Strang Burgess, Tilton, Timberlake, Turner, Tuttle, Valentino, Wagner R, Wallace, Waterhouse, Weaver, Webster, Welsh, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

NAY - Beavers, Beck, Berry, Boland, Bolduc, Briggs, Bryant, Casavant, Chapman, Chipman, Dion, Driscoll, Duchesne, Eberle, Goode, Graham, Harlow, Hinck, Innes Walsh, Kaenrath,

MacDonald, Maloney, Monaghan-Derrig, Moulton, O'Brien, Peoples, Russell, Sanborn, Shaw, Stuckey, Theriault, Treat, Volk.

ABSENT - Celli, Cornell du Houx, Fredette, Kent.

Yes, 113; No, 33; Absent, 4; Vacant, 1; Excused, 0.

113 having voted in the affirmative and 33 voted in the negative, 1 vacancy with 4 being absent, and accordingly **House Amendment "A" (H-943) to Committee Amendment "A" (H-938) was INDEFINITELY POSTPONED.**

Committee Amendment "A" (H-938) as Amended by House Amendment "F" (H-949) thereto was ADOPTED.

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

Representative **MOULTON**: Thank you, Mr. Speaker. Mr. Speaker, I rise in opposition to adoption of this budget supplement. I do so for a specific reason, Mr. Speaker. During the process of the reorganization of the State Planning Office, there was language inserted into the budget process, a policy matter concerning the establishment of an Office of Policy and Management and I must say, Mr. Speaker, that with respect to that specific item, in front of State and Local Government there were two presentations by the Chief Executive, one of which lasted an hour and a half with a few questions that followed. The second followed a public hearing recently in front of the combined committees, Appropriations and State and Local Government. The second presentation, Mr. Speaker, was an hour. It left roughly one hour left for the establishment of a new agency with new powers.

The SPEAKER: Will the Representative defer? The House is still in order. The Representative may proceed.

Representative **MOULTON**: Thank you, Mr. Speaker. With respect matters of policy, Mr. Speaker, and with respect to the Appropriations Committee which does a very wonderful job of making the rest of us look good, I cannot, in good conscience, vote for the establishment of an agency that in its early genesis was described as, you know, just like TABOR, that it was going to employ secret shoppers, that is was going to conduct investigations. And even though Appropriations worked very hard for the scrubbing of much of that language, I, in good conscience, cannot support the creation of this agency. It was not properly discussed by the oversight committee, that's my personal opinion, Mr. Speaker, and not reflecting on anyone from either of the two other committees. But, Mr. Speaker, we have a serious job to perform here and unless we do our jobs correctly, then I fear the result because we have to do a good job for our constituents. I know I'm not giving any specific detail, Mr. Speaker, but you do not give an open license for an agency to do pretty much what it wants as a super agency without more scrutiny that has occurred in this case. And with regret, Mr. Speaker, even though we need to take care of the money articles because they contain this language about a policy issue, I cannot, in good conscience, support it. Thank you, Mr. Speaker.

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

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

Representative **ROTUNDO**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise today in support of the budget before us. I'd like to take a moment to thank both the Senate and House chairmen of the Appropriations and Financial Affairs Committee for their truly outstanding leadership. I'd also like to give a very special thanks to my House Chair and friend, the Representative from Winthrop, Representative Flood. From the beginning, he has always been committed to a fair

process. He is a person of great integrity and it's an honor to work with him.

I'd also like to extend praise to my fellow committee members, Republicans and Democrats alike. All of us come from different parts of the state, we certainly don't always see eye to eye. But we have proven time and again that we can put politics aside and find agreement. Even when it seemed we were at the greatest impasse, everyone stayed at the table to work through difficult challenges. I'm so grateful to have worked with individuals with such strong character and courage. Together we listen to our communities and towns. We heard from our mayors, our teachers, our businesses and our public safety officials. We worked to address their concerns and to ensure that the cost of some of these cuts were not shifted to property taxpayers who are already struggling to make ends meet. We were able to restore funds to higher education and the Fund for a Healthy Maine, while also ensuring that our police and courts had the resources they desperately needed. Each member of the committee worked arduously through long nights and remained dedicated to resolving the shortfall. As a result, we have crafted a fair proposal that addresses the concerns of all of our committees and ensures our budget is in balance.

Before I conclude my remarks, I would also like to thank Grant Pennoyer and his amazing staff at the Office of Fiscal and Program Review, who always work with enormous professionalism and dedication. I am especially appreciative of our principal policy analyst Maureen Dawson who, with patience and good humor, has worked nonstop for the past few months to get us to this point to date. Finally, I thank my Democratic colleagues and my leaders who have entrusted me with the honor and responsibility of leading our team on the AFA Committee and have always provided tremendous support to us. Thank you, Mr. Speaker, and when the vote is taken I request the yeas and nays.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (H-938) as Amended by House Amendment "F" (H-949) thereto.**

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

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

Representative **CHIPMAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want to explain a couple of things. I first want to express appreciation for the work of the Appropriations Committee on this budget and there have been a lot of changes to it since what was introduced by the Chief Executive, that it's much to be appreciated there. But there still are a couple of reasons to be concerned about it, and as a matter of principle, I probably am going to vote no and I just want to explain why. My concern is with General Assistance which is a social safety net for the poorest of the poor. I represent a very low-income district in Portland and many people in my district are on the edge of starvation or going homeless, and in this budget the reimbursement rate goes from 90 percent to 85 percent. That's, I believe, about \$100,000 in lost funding reimbursement to the City of Portland. That's of some concern.

But of bigger concern to me is that beginning July 1st, there will be a 10 percent reduction in the maximum individual benefit. It's not exactly something I want to put my name on. Furthermore, there is a nine month limit on housing beginning July 1st and there is no guarantee that no one will go homeless as a result of that because in order to get an extension and to meet emergency criteria, as outlined in this budget, folks that have to meet certain circumstances and we don't know that

everybody would meet those circumstances. So without having a guarantee that no one would go homeless and with the 10 percent reduction and the reimbursement difference, I'm going to vote my conscience and vote against the budget, and I just wanted to explain that before the yeas and nays were taken. Thank you.

The SPEAKER: The Chair recognizes the Representative from Whiting, Representative Burns.

Representative **BURNS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I, too, want to express my appreciation to the Appropriations Committee for all the hard work they did. However, for different reasons than the last speaker, I, too, am going to vote against this budget. I have failed to see significant changes and improvements in the welfare system in this state. The ones that we skipped over last session with the previous budget, they were proposed in this budget. They were deleted. Money went to places that as far as I'm concerned in my perspective should not have gone, such as public television, public radio. I think we have missed a great opportunity here and because of those reasons I'm not going to support this. Thank you, Mr. Speaker.

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

Representative **BOLAND**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to stand. I will be voting for this bill. I think that the Appropriations Committee did enormous work and I respect the work they've done. It's not perfect in my mind as I'm sure it isn't in anybody's that will have certain ideas that may not have gotten in there. But I also wanted to stand in salute to my colleague on the State and Government Committee, the Representative from York, Representative Moulton, who worked very hard in a bipartisan way to see that our communities are still benefited by keeping the State Planning Office together as far as being able to be a consultant and help in planning for land use planning. Of course, there is plenty of other work done by others in that regard, but he certainly took the lead and I know it's not easy to do that against what might appear to be the preference of his own party members. But it was a large effort and I think it's one that, together with the work done by the Appropriations Committee, will serve our communities in ways that save them lots of money and have them benefit from a lot of expertise. So I just wanted to thank him.

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

Representative **TIMBERLAKE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise before you also and want to thank the Appropriations Committee for the good job that they've done, but I'm also not going to vote in favor of this budget because I feel there wasn't enough structural change done in the 2013 General Assistance part of the budget. For that reason, I cannot support it. I just wanted to let you know.

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

Representative **HASKELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. The exact same reasons that another Representative from Portland has made a choice not to vote for this budget, I will be voting for this budget and the reasons are because my colleagues on the Appropriations Committee on both sides of the aisle saw the need, recognized the work that was done by mayors from across the state, not just from my city but from across the state, when in recognizing the fact that we were facing a difficult budget came together and made recommendations about where to cut and how much. And that was respected by the Appropriations

Committee and I appreciated that. For those same reasons, the fact the GA only went down to 85 percent, that there was only 10 percent and that we were allowed that nine months on the housing, I believe those were critically important things for my city and for those reasons, as one Representative from Portland, I will be supporting this budget. Thank you, Mr. Speaker.

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

Representative **HARLOW**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I first of all wanted to thank the Appropriations Committee for all their hard work. We all know that the Appropriations Committee works longer hours than anybody. They work weekends, nights, and I don't think that anybody here when they vote for a budget votes for or against the work of the Appropriations Committee. We all know that they worked really hard. I think it's after looking at the final product, maybe to steal a phrase from a friend, reasonable people agree to differ, and I've thought long and hard about this budget and what the right thing to do was for frankly the caucus and also what the right thing to do for my constituents, and my conscience, and I just started thinking about the past, all the budgets that have come before us, and I started to make a list of the people who have been affected and I can't, in good conscience, knowing how many people every single time call me about the budget. I have one person who calls me worried that she's going to lose benefits. She's mentally ill. She's a very sweet person. But she's worried every session and she feels like her services keep her out of the hospital, her medications keep her out of the hospital. I just can't, it doesn't feel like the right thing for me to do to vote against the people of my district, so I won't be able to support this budget and I am sorry to the Appropriations Committee, but I am doing what I think is right for my constituents. Thank you, Mr. Speaker.

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

Representative **STUCKEY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I am concerned about the cuts to the General Assistance program in this budget. As you know, Mr. Speaker, I'm from Portland and I'm proud of this city's GA program. It's responsive and fair, and it's supported by over \$2.5 million of municipal tax dollars. However, Mr. Speaker, my concerns have absolutely nothing to do with where I live. They have to do with how I believe we should respond to our neighbors in need.

The General Assistance program is a state and local partnership and the very last threads of our society's safety net, when people who have absolutely nowhere else to turn. Reducing already sub subsistence level benefits is just not right. The state GA reimbursement to municipalities covers none of the local costs of administering the program. Reducing reimbursements to service center communities that provide hubs for regional General Assistance programs and spend thousands of their own municipal tax dollars to address the basic needs in their community's most needy folks do not promote collaboration or shared responsibility. The GA working group and the pilot program are good and long overdue proposals. The working group is charged to improve the efficiency, the effectiveness, the uniformity and financial accountability of the GA program. If it can also identify savings, that's terrific. But the working group's first goal should be to make sure that we have a statewide safety net that is responsive, fair and balanced.

Mr. Speaker, we could restore the cuts of the FY '13 GA budget by raising the effective tax rate on the top 1 percent of Maine taxpayers, folks whose current rate is 14 percent lower than the rest of us. We could restore the one and three quarter

million dollars to GA if we raise the top 1 percent's rate by 35¢ on every \$10,000 of their total tax liability – 35¢ on every \$10,000 of their total tax liability. This would result in an average tax increase for this 1 percent of \$261 a year or \$4.99 a week or 12.5¢ an hour to help provide the most basic needs to our friends and neighbors most in need. Having said all of that, Mr. Speaker, I will be voting for the pending motion. The original GA proposal was terrifying and depressing. I want to thank our colleagues on the AFA Committee on their thoughtful work on General Assistance and the rest of this budget. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Bryant.

Representative **BRYANT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in opposition to this motion, to this budget. I thank all the members of the Appropriations Committee. They've worked hard, they've put many hours into this budget. But for as me and my vote, I don't gauge my accomplishments by the budgets of the second floor or how much we differed from them, but by the effects of the bills and the budgets we pass have on the least among us in the common good. At the end of the day, we are keeping in place tax cuts for the rich while still leaving many people without affordable health care and the basic needs. We can do better. We must do better for our constituents and for the people of the great State of Maine. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Engrossed as Amended by Committee Amendment "A" (H-938) as Amended by House Amendment "F" (H-949) thereto. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 329

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Beliveau, Berry, Bickford, Black, Blodgett, Boland, Bolduc, Briggs, Cain, Carey, Casavant, Cebra, Chapman, Chase, Clark H, Clark T, Clarke, Cotta, Cray, Curtis, Cushing, Dill J, Dion, Dow, Driscoll, Duchesne, Dunphy, Eberle, Edgecomb, Espling, Eves, Fitts, Fitzpatrick, Flemings, Flood, Fossel, Foster, Gilbert, Gillway, Graham, Hamper, Hanley, Harmon, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Innes Walsh, Johnson P, Kaenrath, Keschl, Knapp, Knight, Kruger, Kumiega, Lajoie, Longstaff, Lovejoy, Luchini, MacDonald, Maker, Malaby, Maloney, Martin, Mazurek, McCabe, McClellan, McFadden, McKane, Monaghan-Derrig, Morissette, Morrison, Nass, Nelson, Newendyke, O'Brien, Olsen, Peoples, Picchiotti, Pilon, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Rioux, Rochelo, Rosen, Rotundo, Russell, Sanborn, Sanderson, Sarty, Shaw, Stevens, Strang Burgess, Stuckey, Theriault, Tilton, Treat, Tuttle, Valentino, Volk, Wagner R, Wallace, Weaver, Webster, Welsh, Willette A, Willette M, Winsor, Mr. Speaker.

NAY - Bennett, Bryant, Burns DC, Chipman, Crafts, Crockett, Damon, Davis, Gifford, Goode, Guerin, Harlow, Harvell, Johnson D, Libby, Long, Moulton, O'Connor, Parker, Parry, Peterson, Sirocki, Timberlake, Turner, Waterhouse, Wood.

ABSENT - Celli, Cornell du Houx, Fredette, Kent.

Yes, 120; No, 26; Absent, 4; Vacant, 1; Excused, 0.

120 having voted in the affirmative and 26 voted in the negative, 1 vacancy with 4 being absent, and accordingly under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-938) as Amended by House Amendment "F" (H-949)** thereto and sent for concurrence.

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

ENACTORS

Emergency Measure

An Act To Allow the Town of Fort Kent To Create a Downtown Tax Increment Financing District Using the Current Assessed Value of the Downtown

(H.P. 1414) (L.D. 1910)

(C. "A" H-929)

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. 138 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

On motion of Representative FLOOD of Winthrop, the House adjourned at 7:00 p.m., until 10:00 a.m., Friday, April 13, 2012 in honor and lasting tribute to the Honorable Emile J. Jacques, of Lewiston.