

MAINE STATE LEGISLATURE

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

Volume I

First Regular Session

December 3, 2008 – May 27, 2009

Pages 1-608

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
FIRST REGULAR SESSION
32nd Legislative Day
Wednesday, April 29, 2009

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

Prayer by Pastor Jeffery Henderson, Machias Valley Baptist Church.

National Anthem by Rockland District High School Chorus.

Pledge of Allegiance.

Doctor of the day, Richard Flowerdew, M.D., Falmouth.

The Journal of yesterday was read and approved.

COMMUNICATIONS

The Following Communication: (S.C. 276)

MAINE SENATE 124TH MAINE LEGISLATURE OFFICE OF THE SECRETARY

April 28, 2009

Honorable Hannah M. Pingree

Speaker of the House

2 State House Station

Augusta, ME 04333-0002

Dear Speaker Pingree:

In accordance with 3 M.R.S.A. §158 and Joint Rule 506 of the 124th Maine Legislature, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Committee on Inland Fisheries and Wildlife, the nomination of Stephen C. Philbrick of Oquossoc for reappointment to the Inland Fisheries and Wildlife Advisory Council.

Upon the recommendation of the Committee on Inland Fisheries and Wildlife, the nomination of John E. Simko of Greenville for appointment to the Inland Fisheries and Wildlife Advisory Council.

Upon the recommendation of the Committee on Labor, the nomination of Honorable Edward C. Kelleher of Scarborough for appointment to the Maine Unemployment Insurance Commission.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Pursuant to Statute

Maine Fire Protection Services Commission

Representative HASKELL for the **Maine Fire Protection Services Commission** pursuant to the Maine Revised Statutes, Title 5, section 3371, subsection 8 asks leave to report that the accompanying Bill "An Act To Establish the Maine Fire Protection Services Commission Length of Service Award Program"

(H.P. 1020) (L.D. 1466)

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and printed pursuant to Joint Rule 218.

Report was **READ and ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Josh Titus, of Auburn, upon his receiving the "Spirit of the Game Award" presented by the Maine McDonald's Owner/Operators Association. Josh, a senior at Edward Little High School with high-functioning autism, is the manager for the Edward Little boys varsity basketball team. On Senior Night, Josh donned the Red Eddies uniform and joined the team in the fourth quarter of a game against Leavitt High School. During his 5 minutes of play, Josh scored 9 points and pulled down a pair of rebounds. In honor of his achievement, the Maine McDonald's Owner/Operators Association sent Josh on an all-expenses-paid trip to Detroit, Michigan for the NCAA Final Four. We extend our congratulations to Josh on his achievement and wish him well for continued success;

(HLS 264)

Presented by Representative BICKFORD of Auburn.

Cosponsored by Senator SIMPSON of Androscoggin, Representative BEAULIEU of Auburn, Representative BOLDUC of Auburn.

On **OBJECTION** of Representative BICKFORD of Auburn, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Bickford.

Representative **BICKFORD**: Thank you, Madam Chair. The Maine McDonald's Spirit of the Game Award is a new award especially created in 2009 to honor the high school seniors who embody the spirit of the sport, example by sportsmanship, support and inspire their teammates and coaching staff, and show the ability to overcome obstacles and boundaries. Josh has been a member of the varsity indoor and outdoor track teams, as well as the varsity cross-country team, and named to the KVAC All-American Team. Josh is also a member of the National Honor Society, and he was voted by his classmates to receive the "Most School Spirit Award" for three consecutive years. He plans to attend Central Maine Community College, and I want to make a special note. When you think about role models, the first thing that comes to mind is multimillion dollar sports figures or figures in art or figures in business. Josh found out that being a role model starts at home. His dad, Andy Titus, was his role model, and his role model at school is his athletic director, Dan Deshaies, and his basketball coach, Mike White. These are all role models for Josh, that Josh has in turn used the leverage that he learned from them to be a role model to his fellow, not only teammates, but classmates as well.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Strang Burgess.

Representative **STRANG BURGESS**: Thank you, Madam Speaker, fellow members of the House. I am so excited today, it is a very special day, and I also rise to wish Josh Titus all the best and we are so happy that he is here and his family, but we are also blessed to have the other award winner from the Maine McDonald's Spirit of the Game Award and that is Patrick Thibodeau. Patrick is from Cumberland and a senior this year at Greely High School, and his dad, Perry, has been one of the assistant's coaches on the basketball team for many years, and so Patrick has kind of grown up around basketball. So for the senior game, sort of the last home game of the year, a very

fabulous young man named Sam Thompson gave up his starting position to allow Patrick to start in his final senior game. Patrick went in and he scored a three-pointer right off, and then, the last couple of minutes of the game, people were screaming for Patrick and Patrick was put back in and he got another three-pointer at the buzzer. Some of you in southern Maine had a chance to see this. Channel 6 was there and recorded the whole thing, and I think it ran up on Channel 2 as well.

Then, I have to tell you as a proud Representative of Cumberland, but a mom and all of us from the State of Maine should be so proud because that footage went down and was shown on the Today Show, a couple of days later, and Matt Lauer and Meredith Vieira actually came back and talked about Cumberland, Maine and, yay, Greely, and they said a special thanks to Sam as well. Talk about great sportsmanship all around. Then, Patrick went on, got this fabulous award from McDonald's and had a chance to go to the final four and had an incredible experience. So I am just so proud of what he's accomplished in all of his years at Greely and glad to have him here and Sam Thompson, as well, and his mom, and Ken Marks, who is the coach of the Greely High School Basketball Team, is just brimming with pride. Now we have already done, this body has already done a wonderful legislative sentiment for Patrick a couple of weeks ago, and I just want you to know that, that we have not missed anything here, but because basketball is such that it is, the senior banquet we decided was pretty special, and, on behalf of all of you, I presented that sentiment to Patrick and his family at the senior basketball dinner. Thank you, Madam Speaker, and congratulations to Josh and to Patrick.

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

**REPORTS OF COMMITTEE
Ought to Pass as Amended**

Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Provide Free Admission to State Parks to Veterans and Military Personnel"

(S.P. 159) (L.D. 456)

Reporting **Ought to Pass as Amended by Committee Amendment "A" (S-69)**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-69) AND SENATE AMENDMENT "A" (S-74)**.

Report was **READ** and **ACCEPTED**.

The Bill **READ ONCE. Committee Amendment "A" (S-69) READ** by the Clerk and **ADOPTED. Senate Amendment "A" (S-74) READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, April 30, 2009.

Divided Report

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought Not to Pass** on Bill "An Act To Improve the Ground Water Oil Clean-up Fund"

(S.P. 328) (L.D. 880)

Signed:

Senators:

GOODALL of Sagadahoc
SIMPSON of Androscoggin
SMITH of Piscataquis

Representatives:

HAMPER of Oxford
BOLDUC of Auburn
KNAPP of Gorham
MARTIN of Eagle Lake
EBERLE of South Portland
DUCHESNE of Hudson
EDGEComb of Caribou
WALSH INNES of Yarmouth
WELSH of Rockport

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-86)** on same Bill.

Signed:

Representative:

AYOTTE of Caswell

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

On motion of Representative DUCHESNE of Hudson, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act To Allow the Operation of Modified Utility Vehicles on Public Ways"

(S.P. 292) (L.D. 745)

Signed:

Senator:

GOOLEY of Franklin

Representatives:

MAZUREK of Rockland
HOGAN of Old Orchard Beach
PEOPLES of Westbrook
BROWNE of Vassalboro
ROSEN of Bucksport
CAREY of Lewiston

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-80)** on same Bill.

Signed:

Senator:

DAMON of Hancock

Representatives:

THERIAULT of Madawaska
THOMAS of Ripley
CEBRA of Naples
HARLOW of Portland

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

On motion of Representative MAZUREK of Rockland, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended**

by **Committee Amendment "A" (S-76)** on Bill "An Act To Add 2 Mental Health Advocates to the State Board of Corrections" (S.P. 181) (L.D. 478)

Signed:

Senators:

GERZOFSKY of Cumberland
NUTTING of Androscoggin
DAVIS of Cumberland

Representatives:

HASKELL of Portland
SCHATZ of Blue Hill
WHEELER of Kittery
MAGNAN of Stockton Springs

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

Signed:

Representatives:

HANLEY of Gardiner
LAJOIE of Lewiston
GREELEY of Levant
PLUMMER of Windham
BURNS of Whiting
SYKES of Harrison

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-76)**.
READ.

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

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Sykes.

Representative **SYKES**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. In the last session, we created a Board of Corrections to consolidate the jails and prisons in the State of Maine. That board, the last half of last year and certainly all of this year, has worked very hard to try to come up with a system that saves money, provides a better system for housing our inmates at both the county and the state level.

The Board of Corrections consists of nine members; currently eight members have been filled, there is one open vacancy. This bill would specifically state that a representative with mental health expertise be appointed to the Board of Corrections. Already on the Board of Corrections are representatives from the Department of Corrections, the sheriffs, the county commissioners, municipal offices and the executive branch. This board is an administrative board. It's set up to begin this process. One of the big things that they have done most recently, which you may have heard about as well, is to create the budget, and that has been a daunting task. It's an administrative group. That Board of Corrections has also created working groups, subcommittees, subcommittees such as to work on transportation, to make that more efficient; to work on pharmaceuticals; the budget, as I said; pretrial diversion; victim services; and there are going to be many more working groups or subgroups to develop this consolidated corrections system. They have had their hands full with the budget, they have been very busy.

What this bill would do is to take an advocate and place them on a board of administrators. Now I don't disagree that we have some issues with inmates with serious mental health issues. In

fact, we had one report that said maybe as many as 60 to 65 percent of the inmates in our county jails and our state prison have some sort of mental health issue. But Ladies and Gentlemen, we also had a report that somewhere between 80 and 90 percent of our inmates has a substance abuse problem.

My position is that we should have a mental health expert on a working group, not on the board. That working group, that subgroup, is going to be where the rubber meets the road. I'm afraid that if we put an advocate for mental health issues on the Board of Corrections, we're going to want or we're going to hear from other advocates that say, Wait a minute, we're from the Maine Coalition Against Sexual Assault, a lot of our inmates are in there for sexual assault; why don't we have an advocate or a representative from MCASA on that board? What about Native Americans? We have Native Americans in our prison system; we've had some issues with those. Maybe we should have an advocate for Native Americans on the Board of Corrections. I could go on and on; in fact, I have a list here of 15. I won't bore you with that, but I would urge you to defeat this and allow the Board of Corrections to not be politicized, not add an advocate, but put that advocate where it belongs, where the rubber meets the road, on those working groups. Thank you.

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

Representative **HASKELL**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I agree with almost everything that my good colleague has just stated, with the exception of a couple of minor issues. The first is there is no consideration of putting an advocate on the board. That was the original bill. The original bill called for an advocate, and, frankly, we didn't consider that an advocate was the right terminology, so if you will look at the amendment, you'll notice that the first thing is that the title of this bill has been changed. So the title of the bill now reads "An Act To Ensure That the Membership of the State Board of Corrections Includes a Representative with Expertise in Issues Regarding Mental Illness". That's quite different than an advocate.

The second matter is that while there are significant other numbers of groups, including those with substance abuse problems, Native Americans, there are any number of issues which come before the Board of Corrections. In our correctional system, in general, it's my opinion and it was the opinion of the majority that there is no bigger group that's impacting the cost of corrections or the direction of the treatment of those who are incarcerated than the issue of those with mental illness, and it ranges from some minor mental illness issues to some very major mental illness issues. Frankly, all of the other topics that the good Representative mentioned, topics of transportation or pharmaceuticals or any of those other topics areas, really do have serious implications for those people with mental illness. So those of us who supported the Majority Report, and I frankly did it reluctantly, at first, I was not in favor of designating a seat on this board, but since we are not adding any new members, it seems critically important to me that the issue of mental illness in our jails and prisons rises to the level where there ought to be somebody on the board directing the policies of the board around issues of mental illness, and so I urge you to support the pending motion. Thank you.

Representative **SYKES** of Harrison **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 Whiting, Representative Burns.

Representative **BURNS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I found myself on both sides of this issue, initially, that came before us, because I thought it was a very important issue so, at first, I tended to support the initial bill. But after a lot of testimony and a lot of consideration, I came to the opinion that what we want is something that's going to work, something that's going to be effective. We all seem to agree how important it was to have that voice for mental health issues and expertise that may possibly be lacking on the board, but the place for that is in the working groups. The groups that are actually going to dig into the policy and actually bring some hard, fast policy back to the board to approve, and that's why I support the Minority Report here. If we really want to see this be effective and do the job that we intend it to do, then we need to have that mental health advocate, like many other advocates, on the subcommittee, and that's where I think it belongs. Thank you very much.

The **SPEAKER**: The Chair recognizes the Representative from Blue Hill, Representative Schatz.

Representative **SCHATZ**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I would rise to support the pending motion. As you've heard, there is a lot of discussion, a lot of testimony, and I think we are all aware of the impact of mental illness on those who have been incarcerated, and now that we have taken over the administration of jails, in addition to the prison system, I think we know that we need to address at the board level, not just at the operations level, these issues and some of the treatment strategies of the most helpful and most effective in treating people who are incarcerated and who have mental illness associated with what they're there for. They have obviously, people are placed in prisons and jails for violations, they're not there because of mental illness, but, indeed, that illness and those problems have driven their behavior and they're there for that reason, and we need this kind of expertise on the board at this level, and I would hope you support this motion. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Gardiner, Representative Hanley.

Representative **HANLEY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. In the 123rd, we passed this Board of Corrections. It was a huge amount of work that was done. We explored and they explored all types of avenues, who should be on the board, what type of expertise. Primarily it came down to the fact that they should be administrators with working groups, working groups that report to them. That's where this position belongs, not on the board. We're just getting this Board of Corrections up and running, and now we've started to tinker with it already. Leave them alone, let them do their job. I would request that you not vote in favor of this, but vote for the Minority Report. That allows the board to continue the work they're doing. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Stockton Springs, Representative Magnan.

Representative **MAGNAN**: Thank you, Madam Speaker and distinguished members of the House. I wasn't going to get up and speak today, but this is an issue that is really critical to the success of this commission that's been organized. Part of the problem, as has been stated very clearly by Representative Sykes and Representative Haskell, is the amazing number of people involved with mental illness who are incarcerated, and our trips to visit the prisons were kind of overwhelming, overwhelmed by the degree of mental illness that was taught to us, given to us, information. But I understand clearly what, especially Representatives Sykes, Hanley and Plummer, what their positions were, because they were on the committee that formed

this team. So that's really wonderful that they understand it so completely, but those of us who just joined it, perhaps we see a little bit of a different take on it, and we see that here is an opportunity to put someone on that committee who maybe would be critical to it in the long run, who probably will be critical. Not a bleeding heart, not an advocate, not in that sense, but somebody who is going to be really sensitive to the needs of this population, while also working in the capacity of, as I said here, a working team. We don't have to wait; we shouldn't have to wait for that person to be in a subgroup reporting back. I think this is a golden opportunity to put somebody in place at this time there is a vacancy, and a knowledge, expertise, is not the same as advocacy. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Harrison, Representative Sykes.

Representative **SYKES**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Please remember that on the Board of Corrections, there is a representative from the Department of Corrections. Don't you think that the Department of Corrections is well aware of mental health issues? They run a state prison with two units for mental health assistance. It also has on the Board of Corrections representatives from the county commissioners. County commissioners have a jail to run; each jail has mental health assistance. Don't you think that those county commissioners are well aware of some of the mental health issues? The Board of Corrections has a representative from the sheriff. Don't you think that the sheriff has some well rounded knowledge and expertise in how you deal with mental health patients? The place for this mental health—if you don't want to call it an advocate, that's fine—the place for the person with mental health expertise is right on that working group where they are developing a program, or maybe even a specialized jail, where we can best serve those people who have mental health issues. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Windham, Representative Plummer.

Representative **PLUMMER**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I was one of those that did put in the many hours on the Criminal Justice Committee to try to get the right balance for the Corrections Board. We thought we got that balance. We had a hard fight. We decided to establish the working groups to do the work of the board, while the board was an administrative group. The decision we are about to make drastically changes the function of the board and, possibly, changes decisions of the board. No one on our committee minimized the importance of the mental health issue. I did stress the importance of the substance abuse issue, and, having had experience as a county commissioner, I saw firsthand how many people are incarcerated because of substance abuse issues. Those issues are both very important, but both belong in the working groups, not on the board. Thank you.

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

ROLL CALL NO. 41

YEA - Adams, Beaudette, Beaudoin, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Butterfield, Carey, Casavant, Clark H, Cleary, Cohen, Connor, Crockett P, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Eves, Flaherty, Flemings, Gilbert, Goode, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kent, Kruger, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, Miller, Morrison, Nelson, O'Brien, Pendleton, Peoples, Percy, Perry,

Peterson, Pilon, Piotti, Priest, Rankin, Rotundo, Russell, Schatz, Smith, Stevens, Stuckey, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Austin, Beaulieu, Beck, Bickford, Blanchard, Browne W, Burns, Campbell, Cebra, Celli, Chase, Clark T, Cotta, Crafts, Cray, Crockett J, Curtis, Cushing, Davis, Edgecomb, Finch, Fitts, Fletcher, Flood, Fossil, Gifford, Giles, Hamper, Hanley, Harvell, Johnson, Joy, Kaenrath, Knapp, Knight, Lajoie, Langley, Lewin, McFadden, McKane, McLeod, Millett, Nass, Nutting, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Robinson, Rosen, Sarty, Saviello, Shaw, Sirois, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tilton, Weaver.

ABSENT - Ayotte, Cain, Cornell du Houx, Greeley, Pieh, Pratt, Sanborn.

Yes, 82; No, 62; Absent, 7; Excused, 0.

82 having voted in the affirmative and 62 voted in the negative, with 7 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-76)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, April 30, 2009.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-77)** on Bill "An Act To Clarify When the Rental of a Car Is Exempt from Sales and Use Tax"

(S.P. 240) (L.D. 666)

Signed:

Senators:

PERRY of Penobscot
BLISS of Cumberland
NASS of York

Representatives:

LANGLEY of Ellsworth
CHASE of Wells
KNIGHT of Livermore Falls
SIROIS of Turner

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

Signed:

Representatives:

WATSON of Bath
BRYANT of Windham
FLEMINGS of Bar Harbor
CROCKETT of Augusta
PILON of Saco
VALENTINO of Saco

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-77)**.

READ.

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

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as**

Amended by Committee Amendment "A" (H-153) on Bill "An Act To Permanently Establish the Position of Director of Recreational Access and Landowner Relations"

(H.P. 594) (L.D. 863)

Signed:

Senator:

BRYANT of Oxford

Representatives:

PIEH of Bremen
PERCY of Phippsburg
SMITH of Monmouth
PRATT of Eddington
KENT of Woolwich
O'BRIEN of Lincolnville
McCABE of Skowhegan

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

Signed:

Senators:

NUTTING of Androscoggin
SHERMAN of Aroostook

Representatives:

GIFFORD of Lincoln
CRAY of Palmyra
EDGEComb of Caribou

READ.

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

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-173)** on Bill "An Act To Permit the Use of a Common Flue for Oil and Solid Fuel Burning Equipment"

(H.P. 46) (L.D. 53)

Signed:

Senators:

DAVIS of Cumberland
NUTTING of Androscoggin

Representatives:

HANLEY of Gardiner
GREELEY of Levant
SCHATZ of Blue Hill
PLUMMER of Windham
BURNS of Whiting
WHEELER of Kittery
SYKES of Harrison

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-174)** on same Bill.

Signed:

Senator:

GERZOFKY of Cumberland

Representatives:

HASKELL of Portland
LAJOIE of Lewiston

MAGNAN of Stockton Springs

READ.

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

On further motion of the same Representative, **TABLED** pending her motion to **ACCEPT** the Minority **Ought to Pass as Amended** Report and later today assigned.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Require a Test for Operating Under the Influence for a Driver Involved in an Accident That Caused Bodily Injury"

(H.P. 152) (L.D. 187)

Signed:

Senators:

GERZOFISKY of Cumberland
NUTTING of Androscoggin
DAVIS of Cumberland

Representatives:

HASKELL of Portland
HANLEY of Gardiner
GREELEY of Levant
PLUMMER of Windham
SYKES of Harrison

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-175)** on same Bill.

Signed:

Representatives:

LAJOIE of Lewiston
SCHATZ of Blue Hill
BURNS of Whiting
WHEELER of Kittery
MAGNAN of Stockton Springs

READ.

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

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Eliminate Penalties for Nonconforming School Administrative Units" (EMERGENCY)

(H.P. 79) (L.D. 95)

Signed:

Senator:

ALFOND of Cumberland

Representatives:

SUTHERLAND of Chapman
FINCH of Fairfield
CASAVANT of Biddeford
WAGNER of Lewiston
LOVEJOY of Portland
NELSON of Falmouth
RANKIN of Hiram

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-126)** on same Bill.

Signed:

Senator:

WESTON of Waldo

Representatives:

RICHARDSON of Carmel
JOHNSON of Greenville

READ.

Representative SUTHERLAND of Chapman moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **SUTHERLAND**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. As many of you are aware, there were a great many pieces of legislation that were introduced in this session dealing with school reorganization, approximately 40 different pieces, and I won't repeat everything you've heard about the issues around competing measures. There is a repeal initiative that will be before us. The committee very carefully took out of each of those pieces of legislation, those proposed bills that came before us, that item which made that bill unique and specific to an issue. Whether it was penalties, reorganization laws, how big, how small, how much money, how little money, there were lots of issues. I had one of those bills. What we did was take the item out that made it unique and created carryover bills, so that no legislator's intent was overridden, but rather set aside until after the citizen's initiative is voted on. The issues of competing measures was of great concern to us, but we wanted to retain everything that was important to any legislator, so this we did, and then we voted Ought Not to Pass on those approximately 40 pieces of legislation. But we kept what made each one important to the region, to the legislator, so none of the issues were swept aside, none of the concerns, but rather carried over prudently so that following the citizens' vote on the initiative, they could be then directly worked and responded to. So this is why, although you will see a number of these bills coming up over the next few days, I will not repeat my remarks each time. I just wanted everyone to be aware that what we did was to keep what made that particular piece of legislation important to the legislator who initiated it and put it in, and we will work those at a later time. I will not repeat. I'm going to ditto for the next three bills this morning. I'm not going to repeat my comments so, if you can recall what I said, ditto, ditto, ditto. Thank you very much.

Representative EDGEComb of Caribou **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Edgecomb.

Representative **EDGEComb**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I should be able to let you know what my feelings are in 60 seconds or less. It is no secret that I have been opposed to school consolidation, and I would like you to know about the feelings of the citizens of Aroostook County. In January '07, when school consolidation was being considered, I met with a group of citizens from Aroostook County, and, Madam Chair, I was lucky to get out of there with the shirt on my back. If you don't believe me, look at this. Thank you, Madam Speaker.

The SPEAKER: I would just like to remind members that props are not acceptable in the Legislature.

The Chair reminded Representative EDGECOMB of Caribou that no props were allowed during the floor debate.

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

Representative **JOHNSON**: Thank you, Madam Chair. Ladies and Gentlemen of the House. It is my privilege to serve on the Education Committee, and you'll notice my name as the lone volunteer on several of these bills. I thought that it was important. I agree with the strategy that the Education Committee has undertaken, and I believe that all of the men and women that serve on that committee are intelligent, hardworking, and have the best interests of Maine's students in their minds, and this may be the best strategy. However, when we're inflicting penalties, and it will be inflicted on the first year of the penalty because whatever we do next session will not be done in time, so if you look at the rim counties of Washington County, Hancock County, Aroostook County, Piscataquis County, Somerset County, you will see over 30,000 students that are being hurt by these penalties. Thirty thousand students in the most depressed area of Maine are going to be hurt by these penalties. I find it unconscionable. I see no risk in exempting people from penalties, no risk at all. All we're doing is giving them the money that the state has determined is necessary to run an adequate education to meet the Maine learning results. This is a no-brainer. We can vote for this, nobody will say bad things about you, it is going to be a good view, so I would ask that you all vote against this pending motion.

The SPEAKER: The Chair recognizes the Representative from Blue Hill, Representative Schatz.

Representative **SCHATZ**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I, too, rise to vote against this pending motion, and I support the two people who are the good Representatives that had stated their feelings about it. I also have been opposed to, as you all know, the consolidation effort for a number of reasons. But one of reasons is there are smaller rural schools that had the most daunting task in terms of coming together, creating AOSs or RSUs, and the time limits were constrained and the difficulties were almost insurmountable. To be penalized, and of course people knew the penalties were there, but the outcomes that they saw for their children, their schools, the education in their communities, were not there, they were not beneficial, and so they could not just vote yes at this time. I think it is important to support the repeal of these penalties just as a matter of decency, and I think this is an opportunity to do that. It may not stand, it may not hold at this time, but I think it shows that we all recognize the difficulty that all these schools went through and that they should not be penalized. Thank you, Madam Speaker.

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

Representative **McFADDEN**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I hate to rise against my good chair from Chapman, but I cannot agree with the motion on the floor. Penalties have become the dirty word around the state in a lot of areas, and even our committee had some problems in finding out where they came from. DOE told us that they came from the subcommittee for Appropriations, but I'm not sure if that's right or wrong, but they don't want to take any blame for it whatsoever. But the problem is the penalties hit the least populated and poorest parts of the state, where it is economically unfeasible to regionalize, mainly as far as transportation goes and sharing the services, which sharing services parts they already do. But the penalties, also they help

to blow LD 1 and LD 499 out of the water, because what these penalties are doing, they're raising property taxes locally to fund their GPA. In lots of cases, the penalty is much less than the cost to regionalize. I just want to take an example: Jonesport. That's not in my district. That's a poor town with high property evaluations, not as far as buildings and industry goes, but as far as oceanfront property goes, and the school population is very low. Now they are a minimum receiver, and of course we all know the minimum receiver only receives 45 percent of the Special Ed moneys from the state, that's all they receive. They end up receiving \$28,000 per year in GPA. If they regionalized—of course, they don't regionalize—if they're nonconforming, which they are, then the penalties were over \$30,000, so therefore the penalties is more than the GPA from the state, so I can't see why they'd want to regionalize. What town near them would want to be part of that, because of the GPA part?

Now our committee also listened to one new three-town RSU that testified that they needed a penalty money to help replace their loss of GPA as a result of forming a new RSU, and one town in that three-town, new RSU, their property taxes went up 35 percent, and I think most people here know what I'm talking about. I didn't want to mention that town. Every RSU and AOS, they want to share the penalty money, so our committee, we had to get together and decide what we wanted to do, so what we did, we're putting the penalty money in escrow until the Second Regular Session of the 124th, which will be next January. I think what we need to do; we need to vote against the pending motion on the floor and to eliminate these fines. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Celli.

Representative **CELLI**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. There are a lot of arguments to vote no on this bill. I can give you another example equivalent to the one just given: In the town of Brewer, which voted down consolidation, if they consolidated, just in salaries alone it would cost the Brewer taxpayers another \$325,000 a year. It's estimated that consolidation will cost the Brewer taxpayers over \$600,000 a year; the penalty is \$300,000. So it is a lot of reasons, but I want you to think of the best one and that is a crime against democracy. What we're telling people is you go out and vote and you make your word known or your feelings known through your vote, and however you vote, if you don't vote the way we want you to, we're going to penalize you. That is a crime against democracy. Please think about that when you vote today. Thank you.

The SPEAKER: The Chair recognizes the Representative from Sullivan, Representative Eaton.

Representative **EATON**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. It's probably no secret that I, too, have been in opposition to the school consolidation from its inception. It would have been my pleasure today to stand here and to press my light in opposition, in an effort to prevent the penalties from being imposed on the citizens and the communities in my district. However, under duress and the fear of these horrible penalties, my citizens didn't believe that we would help them, and they instead voted to form an RSU that they're still struggling mightily with. It will be my pleasure, unfortunately, not representing my own communities, but in support of those who are struggling and recognizing that this was brought to them unfairly, under duress, and without proper time or effective opportunity to do this law properly, I will gladly vote against this motion today to protect those communities that need my protection. Thank you, Madam Speaker.

On motion of Representative PIOTTI of Unity, **TABLED** pending the motion of Representative SUTHERLAND of Chapman to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned. (Roll Call Ordered)

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Repeal the Laws Governing Consolidation of School Administrative Units" (EMERGENCY)

(H.P. 99) (L.D. 115)

Signed:

Senators:

ALFOND of Cumberland
WESTON of Waldo

Representatives:

SUTHERLAND of Chapman
FINCH of Fairfield
CASAVANT of Biddeford
WAGNER of Lewiston
LOVEJOY of Portland
NELSON of Falmouth
RANKIN of Hiram
RICHARDSON of Carmel

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-124)** on same Bill.

Signed:

Representative:

JOHNSON of Greenville

READ.

Representative SUTHERLAND of Chapman moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative JOHNSON of Greenville **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

Representative **JOHNSON**: Thank you, Madam Chair. Ladies and Gentlemen of the House. I promise this will be the last one. The school district consolidation law was developed and passed very quickly without adequate planning. Everybody would agree with that. The good news is that we now know it really didn't affect half of the state. Those were the areas that had large enough school systems to make the required changes without any major changes to their operation. Then there was approximately a quarter of the state who either found out it was to their advantage to consolidate or were coerced into consolidation. Some of those are coming unglued as we speak. As was the case a year ago, this Legislature is in a position to correct these difficulties. The question is when and how. The pending citizen's initiative has complicated the issue. Our committee has received dozens of pieces of legislation designed to "fix" the problems that many of our communities are facing. We are now faced with the choice of kicking this can down the road another year or fixing the problem. I recommend that we repeal the law now.

What is the cost of doing this? Basically, nothing. Those who have consolidated and have a system that works can continue, those who would like to continue to pursue consolidation are free

to do that, and then those communities that are in a position where consolidation is not a realistic objective to either improve education or save money can pursue other alternatives. We have seen that the cost savings were not attained, and, realistically, we know they will not be attained.

The repeal of this law hurts no one. It would relieve many problems like those in SAD 4 of Guilford, a small, technologically advanced, high performing school that historically operates under the EPS cap. They have consolidated schools over the last decade, and they continue to do it, consolidating two more schools next year at a cost savings of a half a million dollars. Why should they be punished for doing what is right? Or like SAD 41, in Milo, whose citizens wonder how a state can penalize their system over \$100,000, while it was reported in the *Bangor Daily News* that teachers are sending home elementary students with food for the weekend. It was reported that 90 percent of their children in the elementary school qualify for free and reduced lunch. Or the town of Pownal, that has seen their taxes rise tremendously as a result of an ill-conceived RSU arrangement. They suffer the curse of living in an area with high land values. To repeal this law hurts no one and helps many. Don't be fooled by the cost savings argument, don't worry about a veto. If others can't see the compassion in writing their situation, then they will bear that burden. I urge you to step up and do the right thing for the people of Maine.

On motion of Representative PIOTTI of Unity, **TABLED** pending the motion of Representative SUTHERLAND of Chapman to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned. (Roll Call Ordered)

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Establish a Moratorium on School Administrative Regionalization" (EMERGENCY)

(H.P. 153) (L.D. 188)

Signed:

Senators:

ALFOND of Cumberland
WESTON of Waldo

Representatives:

SUTHERLAND of Chapman
FINCH of Fairfield
CASAVANT of Biddeford
WAGNER of Lewiston
LOVEJOY of Portland
NELSON of Falmouth
RANKIN of Hiram
RICHARDSON of Carmel

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-167)** on same Bill.

Signed:

Representative:

JOHNSON of Greenville

READ.

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

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Eliminate the Opt-out Penalty for Consolidation of Schools if a School Administrative Unit Forms an Alternative Organizational Structure" (EMERGENCY) (H.P. 846) (L.D. 1226)

Signed:

Senators:

ALFOND of Cumberland
WESTON of Waldo

Representatives:

SUTHERLAND of Chapman
FINCH of Fairfield
CASAVANT of Biddeford
WAGNER of Lewiston
LOVEJOY of Portland
NELSON of Falmouth
RANKIN of Hiram
RICHARDSON of Carmel

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-125)** on same Bill.

Signed:

Representative:

JOHNSON of Greenville

READ.

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

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Allow Maine Residents To Purchase Health Insurance from Out-of-state Insurers"

(H.P. 230) (L.D. 290)

Signed:

Senators:

BOWMAN of York
ALFOND of Cumberland

Representatives:

TREAT of Hallowell
PRIEST of Brunswick
BEAUDOIN of Biddeford
BECK of Waterville
GOODE of Bangor
LEGG of Kennebunk
MORRISON of South Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-169)** on same Bill.

Signed:

Senator:

McCORMICK of Kennebec

Representatives:

RICHARDSON of Warren
WEAVER of York
FOSSEL of Alna

READ.

Representative TREAT of Hallowell moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending her motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-168)** on Bill "An Act Regarding Subrogation of Medical Payments Coverage"

(H.P. 513) (L.D. 754)

Signed:

Senators:

BOWMAN of York
ALFOND of Cumberland

Representatives:

TREAT of Hallowell
PRIEST of Brunswick
BEAUDOIN of Biddeford
BECK of Waterville
GOODE of Bangor
LEGG of Kennebunk
MORRISON of South Portland

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

Signed:

Senator:

McCORMICK of Kennebec

Representatives:

RICHARDSON of Warren
WEAVER of York
FOSSEL of Alna

READ.

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

On further motion of the same Representative, **TABLED** pending her motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Protect the Privacy of Consumer Financial Information"

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

Signed:

Senators:

BOWMAN of York
ALFOND of Cumberland
McCORMICK of Kennebec

Representatives:

RICHARDSON of Warren
WEAVER of York
BECK of Waterville
FOSSEL of Alna

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-144)** on same Bill.

Signed:

Representatives:

PRIEST of Brunswick
GOODE of Bangor
TREAT of Hallowell
BEAUDOIN of Biddeford
LEGG of Kennebunk
MORRISON of South Portland

READ.

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

On further motion of the same Representative, **TABLED** pending her motion to **ACCEPT** the Minority **Ought to Pass as Amended** Report and later today assigned.

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-121)** on Bill "An Act To Require United States Occupational Safety and Health Administration Training for Government Construction Contracts"

(H.P. 472) (L.D. 658)

Signed:

Senators:

JACKSON of Aroostook
GERZOFSKY of Cumberland

Representatives:

TUTTLE of Sanford
CLARK of Millinocket
BLODGETT of Augusta
BUTTERFIELD of Bangor
GILBERT of Jay

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

Signed:

Senator:

MILLS of Somerset

Representatives:

THIBODEAU of Winterport
HAMPER of Oxford
CUSHING of Hampden
BICKFORD of Auburn
DRISCOLL of Westbrook

READ.

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

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

Majority Report of the Committee on **LABOR** reporting **Ought Not to Pass** on Bill "An Act To Exclude Collectively Bargained Salary and Job Promotion Increases from the Earnable Compensation Limitation for Retirement Purposes"

(H.P. 566) (L.D. 830)

Signed:

Senator:

MILLS of Somerset

Representatives:

TUTTLE of Sanford
THIBODEAU of Winterport
HAMPER of Oxford
CUSHING of Hampden
BUTTERFIELD of Bangor
BICKFORD of Auburn
DRISCOLL of Westbrook

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-171)** on same Bill.

Signed:

Senators:

JACKSON of Aroostook
GERZOFSKY of Cumberland

Representatives:

CLARK of Millinocket
BLODGETT of Augusta
GILBERT of Jay

READ.

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

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Reduce the Length of the Legislative Sessions"

(H.P. 103) (L.D. 121)

Signed:

Senators:

SIMPSON of Androscoggin
JACKSON of Aroostook
COURTNEY of York

Representatives:

BOLAND of Sanford
WILLETTE of Presque Isle
HAYES of Buckfield
BEAUDETTE of Biddeford
KAENRATH of South Portland
SCHATZ of Blue Hill

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-137)** on same Bill.

Signed:

Representatives:

BROWNE of Vassalboro
COTTA of China
CLARK of Easton
HARVELL of Farmington

READ.

Representative BEAUDETTE of Biddeford moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **FLOOD**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I want to say that I oppose the pending **Ought Not to Pass** motion made by the Representative from Biddeford, Representative Beaudette.

Last summer, I drafted LD 121 and two companion pieces of legislation to create greater efficiencies of our work here at the State House. LD 121 is actually the simplest of that three-part strategy, and it would simply reduce the number of legislative days in our session by ten days in the First Regular Session and five days in the Second Regular Session. For full disclosure, LD 121 is actually designed to work hand in hand with those other two strategies, which I really shouldn't talk too much about here today, but they were to place some reasonable limitations on bills and the size of the Legislature, but I won't speak too much about those.

This bill, LD 121, if enacted, would help speed up our legislative processes, and it would have the additional benefit of immediate savings of \$278,000 in our next biennial budget. I request that you defeat the pending motion so we can start the process of doing our share to become more efficient and save significant dollars in the legislative processes and institutionalize this change. Thank you, Ladies and Gentlemen of the House. Thank you, Madam Speaker. I request a roll call.

Representative FLOOD of Winthrop **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Beaudette.

Representative **BEAUDETTE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I thank the good Representative from Winthrop for his well thought-out approach, his three-pronged approach or three legs of the stool, whichever analogy you might wish to use, in trying to further reducing some expenditures. However, at the current time, the Legislative Council is working on a number of proposals to reduce expenditures, including shortening the length of the session. I would prefer to use that route rather than taking legislative action in this area. Thank you.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Sykes.

Representative **SYKES**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I would simply remind members of the House that if we ran our business more efficiently, we would probably automatically reduce the length of the legislative session.

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

Representative **FLOOD**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I did want to say, in reference to Representative Beaudette's concern about perhaps the Legislative Council taking some actions, I wouldn't ever want to suggest that our legislative leaders wouldn't take appropriate legislative actions, I'm sure that they will. But the bill that I present to you, LD 121, would basically institutionalize those changes for the long term by statute. Thank you, Madam Speaker.

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

ROLL CALL NO. 42

YEA - Adams, Beaudette, Beaudoin, Beck, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Butterfield, Cain, Campbell, Carey, Casavant, Clark H, Cleary, Cohen, Connor, Crockett P, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Eves, Flaherty, Flemings, Gilbert, Goode, Hanley, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath,

Kent, Kruger, Lajoie, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, Miller, Morrison, Nelson, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pih, Pilon, Piotti, Priest, Rankin, Rotundo, Russell, Schatz, Shaw, Sirois, Smith, Stevens, Stuckey, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Austin, Beaulieu, Bickford, Browne W, Burns, Cebra, Celli, Chase, Clark T, Crafts, Cray, Crockett J, Curtis, Cushing, Davis, Edgecomb, Finch, Fitts, Fletcher, Flood, Fossel, Gifford, Giles, Greeley, Hamper, Harvell, Johnson, Joy, Knapp, Knight, Langley, Lewin, McFadden, McKane, McLeod, Millett, Nass, Nutting, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Robinson, Rosen, Sarty, Saviello, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tilton, Weaver.

ABSENT - Ayotte, Cornell du Houx, Cotta, Pratt, Sanborn.

Yes, 92; No, 54; Absent, 5; Excused, 0.

92 having voted in the affirmative and 54 voted in the negative, with 5 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce the Size of the Legislature

(H.P. 123) (L.D. 144)

Signed:

Senators:

SIMPSON of Androscoggin
JACKSON of Aroostook
COURTNEY of York

Representatives:

BOLAND of Sanford
BEAUDETTE of Biddeford
COTTA of China
CLARK of Easton
KAENRATH of South Portland
SCHATZ of Blue Hill

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-135)** on same RESOLUTION.

Signed:

Representatives:

BROWNE of Vassalboro
WILLETTE of Presque Isle
HAYES of Buckfield
HARVELL of Farmington

READ.

Representative BEAUDETTE of Biddeford moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

CONSENT CALENDAR

First Day

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

(S.P. 62) (L.D. 176) Bill "An Act To Equitably Adjust the Workers' Compensation Board's Assessment" Committee on **LABOR** reporting **Ought to Pass**

(S.P. 67) (L.D. 181) Bill "An Act To Conform Building Standards in the Unorganized Territories with Federal Emergency Management Agency Requirements" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-67)**

(S.P. 85) (L.D. 244) Resolve, To Ensure Transparency in Funding Certain Programs within the Department of Inland Fisheries and Wildlife (EMERGENCY) Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-65)**

(S.P. 140) (L.D. 398) Bill "An Act To Transfer Ownership and Management of Swan Island and Little Swan Island in Perkins Township, Sagadahoc County to the Department of Conservation" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-66)**

(S.P. 161) (L.D. 458) Resolve, Directing the Department of Agriculture, Food and Rural Resources To Develop Recommendations for Licensing Equine Boarding Facilities Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-70)**

(S.P. 260) (L.D. 685) Bill "An Act To Clarify the Minimum Wage Exemption for Summer Camp Counselors Working at Day Camps" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-64)**

(H.P. 591) (L.D. 860) Bill "An Act Relating to Geothermal Heat Exchange Wells" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-177)**

(H.P. 622) (L.D. 904) Bill "An Act To Permit Brew Pubs To Sell Half-gallon Containers of Malt Liquor" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-181)**

(H.P. 698) (L.D. 1010) Resolve, To Require the Department of Environmental Protection To Review Its Rules Regarding Incinerators Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-178)**

(H.P. 782) (L.D. 1138) Resolve, To Provide Assistance to Private Sellers of Firearms Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-180)**

(H.P. 789) (L.D. 1145) RESOLUTION, Proposing an Amendment to the Constitution of Maine To Amend the Time Frame for Towns To Certify Citizen Initiative and People's Veto Signatures Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-176)**

There being no objections, the above items were ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

(S.P. 209) (L.D. 549) Bill "An Act To Amend the Employment Practices Law Regarding Substance Abuse Testing" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-75)**

On motion of Representative TUTTLE of Sanford, was **REMOVED** from the First Day Consent Calendar.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-75)** was **READ** by the Clerk.

Representative TUTTLE of Sanford **PRESENTED** **House Amendment "A" (H-179)** to **Committee Amendment "A" (S-75)**, which was **READ** by the Clerk.

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

Representative **TUTTLE**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. This amendment clarifies that a particular cutoff level in procedures for substance abuse testing be used when the Department of Health and Human Services does not have established cutoff levels and procedures. This is a technical amendment from the Committee on Labor, it was a unanimous report, and I would ask for your support. Thank you.

Subsequently, **House Amendment "A" (H-179)** to **Committee Amendment "A" (S-75)** was **ADOPTED**.

Committee Amendment "A" (S-75) as **Amended by House Amendment "A" (H-179)** thereto was **ADOPTED**.

The Bill was assigned for **SECOND READING** Thursday, April 30, 2009.

(S.P. 385) (L.D. 1021) Bill "An Act To Prohibit Cruel Confinement of Calves Raised for Veal and Sows during Gestation" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-72)**

On motion of Representative PIEH of Bremen, was **REMOVED** from the First Day Consent Calendar.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-72)** was **READ** by the Clerk and **ADOPTED**

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

Representative PIEH of Bremen **PRESENTED** **House Amendment "A" (H-120)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative **PIEH**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. This is a technical amendment that was picked up by the Revisor's Office, where we had amended the language in one part of the bill and not in another part of the bill. How I want to reassure you is that, even though this is about swine, it has nothing to do with the swine flu.

Subsequently, **House Amendment "A" (H-120)** was **ADOPTED**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED** as **Amended by Committee Amendment "A" (S-72)** and **House Amendment "A" (H-120)** in **NON-CONCURRENCE** and sent for concurrence.

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

CONSENT CALENDAR
Second Day

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

(H.P. 342) (L.D. 480) Resolve, Regarding Legislative Review of Portions of MaineCare Benefits Manual, Chapter III, Section 97, Private Non-Medical Institution Services, a Major Substantive Rule of the Department of Health and Human Services, Office of MaineCare Services, Division of Policy and Performance (EMERGENCY)

(H.P. 410) (L.D. 572) Bill "An Act To Expand the Membership of the Maine Elder Death Analysis Review Team"

(H.P. 499) (L.D. 716) Bill "An Act To Change the Definition of 'Domestic Partner' in the Laws Governing Custody of Remains"

(H.P. 669) (L.D. 967) Bill "An Act To Implement the Recommendations of the Governor's Interagency Transportation Coordinating Committee"

(H.P. 973) (L.D. 1394) Bill "An Act To Modify the Regional Economic Development Revolving Loan Program"

(H.P. 24) (L.D. 29) Bill "An Act To Amend the Landlord and Tenant Laws as They Pertain to Interest Paid on Mobile Home Park Tenant Security Deposits" (C. "A" H-160)

(H.P. 187) (L.D. 233) Bill "An Act To Include Independent Practice Dental Hygienists in MaineCare" (C. "A" H-129)

(H.P. 318) (L.D. 430) Bill "An Act To Allow the Licensing of Minibars in Hotel Rooms" (C. "A" H-134)

(H.P. 352) (L.D. 497) Bill "An Act To Conserve Energy in Residential Leasehold Tenancies" (C. "A" H-161)

(H.P. 402) (L.D. 564) Bill "An Act To Promote Independence and Facilitate Employment for Visually Impaired or Blind Individuals by Investing in an Effective Vision Rehabilitation System" (C. "A" H-122)

(H.P. 405) (L.D. 567) Bill "An Act To Provide Increased Protection for Victims of Domestic Violence" (C. "A" H-172)

(H.P. 469) (L.D. 655) Resolve, Directing the Department of Inland Fisheries and Wildlife To Conduct a Study To Enhance Maine's Recreational Fishing Economy (C. "A" H-148)

(H.P. 482) (L.D. 699) Resolve, Establishing Goals and Principles for Fisheries Management for the Department of Inland Fisheries and Wildlife (C. "A" H-149)

(H.P. 548) (L.D. 812) Resolve, Pertaining to Vacation Leave Earned by Seasonal Employees of the Baxter State Park Authority (C. "A" H-154)

(H.P. 556) (L.D. 820) Bill "An Act To Limit Smoking in Outdoor Dining Areas" (C. "A" H-132)

(H.P. 571) (L.D. 835) Bill "An Act To Amend the Forcible Entry and Detainer Laws" (C. "A" H-162)

(H.P. 581) (L.D. 845) Bill "An Act To Expand Access to Efficiency Maine Rebate Programs" (C. "A" H-158)

(H.P. 583) (L.D. 847) Bill "An Act Authorizing Statewide Mutual Aid among First Responder Agencies" (C. "A" H-157)

(H.P. 654) (L.D. 951) Bill "An Act To Prioritize Funding in the TransCap Trust Fund" (EMERGENCY) (C. "A" H-123)

(H.P. 655) (L.D. 952) Bill "An Act To Authorize Issuance of Permanent Disability Plates and Placards" (C. "A" H-141)

(H.P. 672) (L.D. 970) Bill "An Act To Amend the Laws Governing Notification after a Security Breach Involving Personal Information" (C. "A" H-145)

(H.P. 724) (L.D. 1049) Bill "An Act To Encourage Cooperation among School Administrative Units" (EMERGENCY) (C. "A" H-166)

(H.P. 740) (L.D. 1073) Bill "An Act To Provide for Insurance Coverage of Telemedicine Services" (C. "A" H-146)

(H.P. 770) (L.D. 1115) Resolve, To Establish the Task Force on Kinship Families (EMERGENCY) (C. "A" H-147)

(H.P. 778) (L.D. 1134) Bill "An Act Regarding the Maximum Fee for Processing an Environmental License Application" (EMERGENCY) (C. "A" H-155)

(H.P. 836) (L.D. 1211) Bill "An Act To Amend the Marine Resources Suspension Laws" (C. "A" H-142)

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

(H.P. 202) (L.D. 256) Resolve, Directing the Department of Inland Fisheries and Wildlife To Recommend Measures To Increase the Number of Turkeys Taken by Hunters (C. "A" H-170)

On motion of Representative CLARK of Millinocket, was **REMOVED** from the Second Day Consent Calendar.

The Unanimous Committee Report was **READ**.

On further motion of the same Representative, **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned.

(H.P. 671) (L.D. 969) Bill "An Act To Amend the Laws Governing the Maine Children's Growth Council" (EMERGENCY) (C. "A" H-159)

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

The Unanimous Committee Report was **READ**.

On further motion of the same Representative, **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned.

BILLS IN THE SECOND READING House

Resolve, Directing the Department of Transportation To Study Ways To Reduce Energy Use and Promote Efficiency along Major Transportation Corridors

(H.P. 582) (L.D. 846)

House as Amended

Bill "An Act Regarding Political Signs"

(H.P. 204) (L.D. 258)

(C. "A" H-133)

Bill "An Act To Track the Prevalence of Childhood Obesity in Maine"

(H.P. 255) (L.D. 319)

(C. "A" H-130)

Bill "An Act To Clarify the Sales Tax Exemption for Commercial Agricultural Crop Production"

(H.P. 338) (L.D. 450)

(C. "A" H-74)

Bill "An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2010"

(H.P. 348) (L.D. 486)

(C. "A" H-109)

Resolve, Regarding Legislative Review of Portions of Chapter 10: Definitions and Terms, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control (EMERGENCY)

(H.P. 350) (L.D. 495)

(C. "A" H-151)

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

ROLL CALL NO. 43

YEA - Austin, Beck, Berry, Blanchard, Blodgett, Bolduc, Briggs, Browne W, Bryant, Burns, Butterfield, Cain, Carey, Cebra, Chase, Clark H, Clark T, Cleary, Cornell du Houx, Cotta, Crafts, Cray, Crockett J, Crockett P, Curtis, Cushing, Davis, Dill, Dostie, Driscoll, Duchesne, Eberle, Edgecomb, Finch, Fitts, Flemings, Fletcher, Flood, Fossel, Gifford, Gilbert, Giles, Goode, Greeley, Hamper, Hanley, Harlow, Harvell, Haskell, Hayes, Hinck, Innes Walsh, Johnson, Jones, Joy, Kaenrath, Kent, Knapp, Knight, Kruger, Lajoie, Langley, Lewin, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McFadden, McKane, McLeod, Miller, Millett, Morrison, Nelson, Nutting, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pinkham, Piotti, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Robinson, Rosen, Sarty, Saviello, Schatz, Shaw, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Sykes, Tardy, Thibodeau, Thomas, Tilton, Treat, Trinward, Van Wie, Wagner R, Watson, Webster, Welsh, Willette, Madam Speaker.

NAY - Adams, Beaudette, Beaudoin, Beaulieu, Bickford, Boland, Campbell, Casavant, Celli, Connor, Eaton, Eves, Flaherty, Hill, Hunt, Legg, Nass, Pilon, Rotundo, Russell, Theriault, Tuttle, Valentino, Wagner J, Weaver, Wheeler, Wright.

ABSENT - Ayotte, Cohen, Hogan, Pratt, Sanborn.

Yes, 119; No, 27; Absent, 5; Excused, 0.

119 having voted in the affirmative and 27 voted in the negative, with 5 being absent, and accordingly the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-49)** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (11) **Ought Not to Pass** - Minority (2) **Ought to Pass as Amended by Committee Amendment "A" (H-90)** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Requiring Assisted Living Facilities To Provide Automated External Defibrillator Availability"

(H.P. 411) (L.D. 573)

TABLED - April 16, 2009 (Till Later Today) by Representative DAVIS of Sangerville.

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

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

ROLL CALL NO. 44

YEA - Adams, Austin, Beaudette, Beaudoin, Beaulieu, Beck, Berry, Bickford, Blanchard, Blodgett, Boland, Bolduc, Briggs, Browne W, Bryant, Butterfield, Cain, Carey, Casavant, Cebra, Celli, Chase, Cleary, Cohen, Connor, Cornell du Houx, Cotta, Crafts, Cray, Crockett P, Curtis, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Eves, Finch, Fitts, Flaherty, Flemings, Fletcher, Flood, Fossel, Gifford, Gilbert, Giles, Goode, Greeley, Hamper, Hanley, Harlow, Harvell, Haskell, Hayes, Hill, Hinck, Hunt, Innes Walsh, Jones, Joy, Kaenrath, Kent, Knapp, Knight, Kruger, Lajoie, Langley, Legg, Lewin, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McFadden, McKane, McLeod, Miller, Millett, Morrison, Nass, Nelson, Nutting, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Piotti, Plummer, Priest, Rankin, Richardson D, Richardson W, Robinson, Rosen, Rotundo, Russell, Sarty, Saviello, Schatz, Shaw, Sirois, Smith, Stevens, Stuckey, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Treat, Trinward, Tuttle, Valentino,

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

UNFINISHED BUSINESS

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

Bill "An Act To Consolidate the Department of Marine Resources and the Department of Inland Fisheries and Wildlife into a New Department of Fish, Wildlife and Marine Resources"

(H.P. 383) (L.D. 538)

(Committee on **STATE AND LOCAL GOVERNMENT** suggested) TABLED - February 12, 2009 (Till Later Today) by Representative BEAUDETTE of Biddeford.

PENDING - **REFERENCE**.

Subsequently, the Bill was **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, ordered printed and sent for concurrence.

Resolve, To Realign Maine's Natural Resource Agencies

(H.P. 889) (L.D. 1270)

(Committee on **STATE AND LOCAL GOVERNMENT** suggested) TABLED - March 31, 2009 (Till Later Today) by Representative BEAUDETTE of Biddeford.

PENDING - **REFERENCE**.

Subsequently, the Resolve was **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, ordered printed and sent for concurrence.

Bill "An Act To Reform Natural Resources Agencies and Establish the Department of Natural Resources" (EMERGENCY)

(S.P. 539) (L.D. 1453)

- In Senate, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

TABLED - April 14, 2009 (Till Later Today) by Representative PIEH of Bremen.

PENDING - **REFERENCE IN CONCURRENCE**.

Subsequently, the Bill was **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, in concurrence.

Resolve, Regarding Legislative Review of Portions of Chapter 61: State Board of Education Rules for Major Capital School Construction Projects, a Major Substantive Rule of the Department of Education (EMERGENCY)

(H.P. 69) (L.D. 79)

(C. "A" H-49)

TABLED - April 16, 2009 (Till Later Today) by Representative TUTTLE of Sanford.

PENDING - **ADOPTION OF HOUSE AMENDMENT "A" (H-114)**.

Subsequently, on motion of Representative SUTHERLAND of Chapman House **Amendment "A" (H-114)** was **INDEFINITELY POSTPONED**.

Representative BOLAND of Sanford **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (H-49)**.

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 Engrossed as Amended by Committee Amendment "A" (H-49). All those in favor will vote yes, those opposed will vote no.

Van Wie, Wagner J, Wagner R, Watson, Weaver, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Burns, Campbell, Clark H, Clark T, Crockett J, Cushing, Davis, Edgecomb, Johnson, Pinkham, Prescott, Strang Burgess.

ABSENT - Ayotte, Hogan, Pratt, Sanborn, Tilton.

Yes, 134; No, 12; Absent, 5; Excused, 0.

134 having voted in the affirmative and 12 voted in the negative, with 5 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (11) **Ought to Pass as Amended by Committee Amendment "A" (H-165)** - Minority (1) **Ought Not to Pass** - Committee on **UTILITIES AND ENERGY** on Bill "An Act To Clarify the Role of the Public Advocate"

(H.P. 657) (L.D. 954)

TABLED - April 28, 2009 (Till Later Today) by Representative PIOTTI of Unity.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

Subsequently, Representative HINCK of Portland moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-184)** on Bill "An Act Pertaining to the Retirement of Certain Oil and Hazardous Material Specialists"

(H.P. 695) (L.D. 1007)

Signed:

Senators:

JACKSON of Aroostook

GERZOFKY of Cumberland

Representatives:

TUTTLE of Sanford

CLARK of Millinocket

THIBODEAU of Winterport

HAMPER of Oxford

BLODGETT of Augusta

CUSHING of Hampden

BUTTERFIELD of Bangor

GILBERT of Jay

DRISCOLL of Westbrook

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

Signed:

Senator:

MILLS of Somerset

Representative:

BICKFORD of Auburn

READ.

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

Representative BICKFORD of Auburn **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 Sanford, Representative Tuttle.

Representative **TUTTLE**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I hope that you would support this bill. It's an 11-2 Report from the Committee on Labor. Under current law, the retired oil and hazardous material from emergency response workers, who work in the Division of Response Services of DEP, are covered under a 1998 special plan. This bill extends the inclusion of the plan to oil and hazardous material, emergency response workers and other divisions. I believe there are ten other individuals.

The original legislation, in 2001, identified oil and hazardous waste from material workers in the employment of DEP. The bill would amend the original legislation to want to include all the workers. Regardless of divisions, all OHMS have identical job descriptions required to have similar training for the purposes of displacement. I think that different treatment of employees with identical job descriptions has led to issues of concern, and I think there is a matter of equity. I would ask that you would support this bill. We have amended it. We have made it prospective, not retroactive. We have substantially pared down the amendment so that the costs are undetermined at this time, but they are minimum. We're talking about ten employees of DEP that, I think, should be classified with everybody else. I would ask that you will support the Majority Ought to Pass Report from the committee.

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. 45

YEA - Adams, Beaudette, Beaudoin, Beaulieu, Beck, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Butterfield, Cain, Campbell, Carey, Casavant, Chase, Clark H, Clark T, Cleary, Cohen, Connor, Cotta, Crockett P, Curtis, Cushing, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Eves, Finch, Fitts, Flaherty, Flemings, Fletcher, Flood, Gilbert, Giles, Goode, Greeley, Hamper, Hanley, Harlow, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Knight, Kruger, Lajoie, Langley, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Mazurek, McCabe, McFadden, McKane, Miller, Morrison, Nass, Nelson, Nutting, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Piotti, Priest, Rankin, Richardson D, Richardson W, Rosen, Rotundo, Russell, Sarty, Saviello, Schatz, Shaw, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Tardy, Theriault, Thibodeau, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Austin, Bickford, Browne W, Burns, Cebra, Celli, Crafts, Cray, Crockett J, Davis, Fossel, Gifford, Johnson, Joy, Knapp, Lewin, Martin JL, McLeod, Millett, Pinkham, Plummer, Prescott, Robinson, Sykes, Thomas, Tilton, Weaver.

ABSENT - Ayotte, Cornell du Houx, Pratt, Sanborn.

Yes, 120; No, 27; Absent, 4; Excused, 0.

120 having voted in the affirmative and 27 voted in the negative, with 4 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-184)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, April 30, 2009.

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Require Candidates for Public Office To Provide Proof of Citizenship"

(H.P. 617) (L.D. 899)

Signed:

Senators:

SULLIVAN of York
GOODALL of Sagadahoc

Representatives:

CORNELL du HOUX of Brunswick
VALENTINO of Saco
TRINWARD of Waterville
TUTTLE of Sanford
CAREY of Lewiston
RUSSELL of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-183)** on same Bill.

Signed:

Senator:

PLOWMAN of Penobscot

Representatives:

BEAULIEU of Auburn
PINKHAM of Lexington Township
FITTS of Pittsfield
NASS of Acton

READ.

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

Six Members of the Committee on **LEGAL AND VETERANS AFFAIRS** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-182)** on Bill "An Act To Allow Voters To Choose Ongoing Absentee Voter Status"

(H.P. 129) (L.D. 150)

Signed:

Senators:

SULLIVAN of York
GOODALL of Sagadahoc

Representatives:

CORNELL du HOUX of Brunswick
TRINWARD of Waterville
TUTTLE of Sanford
RUSSELL of Portland

Six Members of the same Committee report in Report "B" **Ought Not to Pass** on same Bill.

Signed:

Senator:

PLOWMAN of Penobscot

Representatives:

BEAULIEU of Auburn
PINKHAM of Lexington Township
VALENTINO of Saco
FITTS of Pittsfield
NASS of Acton

READ.

On motion of Representative TRINWARD of Waterville, Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-182)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, April 30, 2009.

CONSENT CALENDAR

First Day

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

(H.P. 759) (L.D. 1104) Bill "An Act To Require the Convening of the Professional Standards Board" (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

(H.P. 186) (L.D. 232) Bill "An Act To Require Businesses To Make Toilet Facilities Available to Individuals with Certain Medical Conditions" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-186)**

There being no objections, the above items were ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass** on Bill "An Act To Allow Noninvasive Testing of Infants for the Presence of Drugs without a Parent's Consent"

(S.P. 214) (L.D. 599)

Signed:

Senators:

BRANNIGAN of Cumberland
MARRACHÉ of Kennebec
MILLS of Somerset

Representatives:

PETERSON of Rumford
SANBORN of Gorham
JOY of Crystal
LEWIN of Eliot
STRANG BURGESS of Cumberland
STUCKEY of Portland

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

Signed:

Representatives:

PERRY of Calais
JONES of Mount Vernon
CAMPBELL of Newfield

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

READ.

Representative PERRY of Calais moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

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

Representative PERRY: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. This bill allows for testing of infants, their first urines or their first meconium, for drug abuse, for presence of drugs. I had problems with this in terms of privacy, in terms of that some of this is there for the long term of the pregnancy, it does not mean something has happened immediately, and concerns really about the right to the parent. I had a real difficulty in supporting this bill, and that is why I have put forward an Ought Not to Pass, and I will ask for a roll call.

Representative PERRY of Calais **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought Not to Pass** Report.

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

The SPEAKER: The Chair recognizes the Representative from Eliot, Representative Lewin.

Representative LEWIN: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I voted Ought to Pass on this bill, because I thought it was absolutely the right thing to do. We have several hundred babies that are born addicted every year in the State of Maine, and, if no one knows that those children are addicted or suspects that the mother carrying them was addicted and thus they are addicted, those little ones go home from the hospital in a day or two, as most mothers and babies do these days, and no one knows and that child doesn't get treatment. I would remind you all it is more than painful for anyone to come down from substance addiction, and I think it is appropriate to use natural excrements from a child, if you will, for lack of another word, to do some testing to find out if these little ones who are suspected, only suspected of being addicted. This isn't going to be every baby; this is going to be those where physicians believe there is a possibility the child is addicted. It will save them a whole lot of pain and give them a whole lot of better opportunity in life to be treated immediately, if indeed they are born addicted, and that is why I support the bill and I hope that you will do the same. Thank you.

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

Representative CAMPBELL: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. We usually talk about getting out of people's lives and minding our business, and I think this is pretty invasive when you turn around and start doing things to babies without the parents consent. I think it is just another invasion of privacy. Thank you.

On motion of Representative PIOTTI of Unity, **TABLED** pending the motion of Representative PERRY of Calais to **ACCEPT** the Minority **Ought Not to Pass** Report and later today assigned. (Roll Call Ordered)

**CONSENT CALENDAR
First Day**

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

(S.P. 342) (L.D. 892) Bill "An Act To Improve Assistance for Technology-based Entrepreneurs" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(S.P. 427) (L.D. 1155) Bill "An Act To Make Certain Changes to the Laws Governing Approval for Transmission Lines"

Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass**

(S.P. 70) (L.D. 220) Bill "An Act To Increase the Availability of Solar and Wind Power" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-90)**

(S.P. 94) (L.D. 277) Bill "An Act To Eliminate the Income-producing Requirement for Land in the Farm and Open Space Tax Program" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-89)**

(S.P. 99) (L.D. 303) Bill "An Act To Amend the Laws Governing Deer Hunting and To Extend the Coyote Hunting Season" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-88)**

(S.P. 100) (L.D. 304) Resolve, To Establish a Commission To Support, Preserve and Maintain Maine Monuments in Gettysburg, Pennsylvania Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-84)**

(S.P. 165) (L.D. 462) Bill "An Act To Amend the Retail Tobacco and Liquor Licensing Laws" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-83)**

(S.P. 236) (L.D. 620) Bill "An Act To Ensure the Workers' Compensation Board's Regulatory Oversight of the Maine Insurance Guaranty Association" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-85)**

(S.P. 298) (L.D. 771) Bill "An Act To Allow Certain Organizations To Hold Raffles" (EMERGENCY) Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-81)**

(S.P. 314) (L.D. 806) Bill "An Act To Authorize Fuel Cost Stabilization Funds To Be Established in School Administrative Units" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-92)**

(S.P. 367) (L.D. 984) Resolve, To Establish a Pilot Program To Provide Greater Cooperation and Coordination between the University of Maine System and the Maine Community College System Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-93)**

(S.P. 369) (L.D. 986) Bill "An Act To Protect the Public Health and the Environment by Prohibiting the Sale of Wheel Weights Containing Lead or Mercury" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-91)**

There being no objections, the above items were ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

SENATE PAPERS

Bill "An Act To Ensure the Availability of Alcohol-free Motor Fuels"

(S.P. 478) (L.D. 1320)

Came from the Senate, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

REFERRED to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

BILLS RECALLED FROM LEGISLATIVE FILES

(Pursuant to Joint Order - House Paper 1016)

An Act Regarding Construction and Excavation near Burial Sites

(H.P. 97) (L.D. 113)

On motion of Representative CASAVANT of Biddeford the Bill and accompanying papers were **COMMITTED** to the Committee on **STATE AND LOCAL GOVERNMENT** in **NON-CONCURRENCE** and sent for concurrence.

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

On motion of Representative SYKES of Harrison, the House adjourned at 12:07 p.m., until 10:00 p.m., Thursday, April 30, 2009 and in honor and lasting tribute to Robert Chandler Bell, of Bridgton.