

# 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  
35th Legislative Day  
Wednesday, May 6, 2009

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

Prayer by The Reverend Gini King, Centre Street Congregational Church, UCC, Machias.

National Anthem by Danielle Vayenas, Portland.

Pledge of Allegiance.

Doctor of the day, Judith Chamberlain, M.D., Brunswick.

The Journal of yesterday was read and approved.

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**SENATE PAPERS**

The following Joint Order: (S.P. 550)

**ORDERED, the House concurring**, that Bill, "An Act To Protect the Integrity of the State's Carbon Dioxide Budget Trading Program and Auction Process and To Provide Allocations to the Energy and Carbon Savings Trust Fund," S.P. 93, L.D. 276, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

Came from the Senate, **READ** and **PASSED**.  
**READ** and **PASSED** in concurrence.

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Bill "An Act To Require a Municipality To Quiet Title to Certain Roads Acquired by Adverse Possession"

(S.P. 549) (L.D. 1472)

Came from the Senate, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

**REFERRED** to the Committee on **JUDICIARY** in concurrence.

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Bill "An Act Concerning Debarment from Contracts with the Department of Environmental Protection"

(S.P. 548) (L.D. 1471)

Came from the Senate, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed.

**REFERRED** to the Committee on **NATURAL RESOURCES** in concurrence.

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**Non-Concurrent Matter**

Resolve, Regarding Legislative Review of Portions of Chapter 182: Formula for Distribution of Funds to Child Developmental Services Regional Sites, a Major Substantive Rule of the Department of Education (EMERGENCY)

(H.P. 68) (L.D. 78)

Majority (7) **OUGHT TO PASS** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED** in the House on April 16, 2009.

Came from the Senate with the Reports **READ** and the Resolve and accompanying papers **COMMITTED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in **NON-CONCURRENCE**.

On motion of Representative PIOTTI of Unity, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

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**Non-Concurrent Matter**

Bill "An Act Pertaining to the Retirement of Certain Oil and Hazardous Material Specialists"

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

Majority (11) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LABOR READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-184)** in the House on April 30, 2009.

Came from the Senate with the Minority (2) **OUGHT NOT TO PASS** Report of the Committee on **LABOR READ** and **ACCEPTED** in **NON-CONCURRENCE**.

On motion of Representative TUTTLE of Sanford, the House voted to **ADHERE**.

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**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

**Pursuant to Statute**

**Revisor of Statutes**

Representative PRIEST for the **Revisor of Statutes** pursuant to the Maine Revised Statutes, Title 1, section 94 asks leave to report that the accompanying Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)

(H.P. 1028) (L.D. 1475)

Be **REFERRED** to the Committee on **JUDICIARY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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

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**ORDERS**

On motion of Representative CROCKETT of Augusta, the following Joint Resolution: (H.P. 1027) (Cosponsored by Representatives: ADAMS of Portland, AUSTIN of Gray, AYOTTE of Caswell, BEAUDETTE of Biddeford, BEAUDOIN of Biddeford, BEAULIEU of Auburn, BECK of Waterville, BERRY of Bowdoinham, BICKFORD of Auburn, BLANCHARD of Old Town, BLODGETT of Augusta, BOLAND of Sanford, BOLDUC of Auburn, BRIGGS of Mexico, BROWNE of Vassalboro, BRYANT of Windham, BURNS of Whiting, BUTTERFIELD of Bangor, CAIN of Orono, CAMPBELL of Newfield, CAREY of Lewiston, CASAVANT of Biddeford, CEBRA of Naples, CELLI of Brewer, CHASE of Wells, CLARK of Millinocket, CLARK of Easton, CLEARY of Houlton, COHEN of Portland, CONNOR of Kennebunk, CORNELL du HOUX of Brunswick, COTTA of China, CRAFTS of Lisbon, CRAY of Palmyra, CROCKETT of Bethel, CURTIS of Madison, CUSHING of Hampden, DAVIS of Sangerville, DILL of Cape Elizabeth, DOSTIE of Sabattus, DRISCOLL of Westbrook, DUCHESNE of Hudson, EATON of Sullivan, EBERLE of South Portland, EDGECOMB of Caribou, EVES of North Berwick, FINCH of Fairfield, FITTS of Pittsfield, FLAHERTY of Scarborough, FLEMINGS of Bar Harbor, FLETCHER of Winslow, FLOOD of Winthrop, FOSSEL of Alna, GIFFORD of Lincoln, GILBERT of Jay, GILES of Belfast, GOODE of Bangor, GREELEY of Levant, HAMPER of Oxford, HANLEY of Gardiner, HARLOW of Portland, HARVELL of Farmington, HASKELL of Portland, HAYES of Buckfield, HILL of York, HINCK of Portland, HOGAN of Old Orchard Beach, HUNT of Buxton, WALSH INNES of Yarmouth, JOHNSON of Greenville,

JONES of Mount Vernon, JOY of Crystal, KAENRATH of South Portland, KENT of Woolwich, KNAPP of Gorham, KNIGHT of Livermore Falls, KRUGER of Thomaston, LAJOIE of Lewiston, LANGLEY of Ellsworth, LEGG of Kennebunk, LEWIN of Eliot, LOVEJOY of Portland, MacDONALD of Boothbay, MAGNAN of Stockton Springs, MARTIN of Orono, MARTIN of Eagle Lake, MAZUREK of Rockland, McCABE of Skowhegan, McFADDEN of Dennysville, McKANE of Newcastle, McLEOD of Lee, MILLER of Somerville, MILLETT of Waterford, MITCHELL of the Penobscot Nation, MORRISON of South Portland, NASS of Acton, NELSON of Falmouth, NUTTING of Oakland, O'BRIEN of Lincolnville, PENDLETON of Scarborough, PEOPLES of Westbrook, PERCY of Phippsburg, PERRY of Calais, PETERSON of Rumford, PIEH of Bremen, PILON of Saco, Speaker PINGREE of North Haven, PINKHAM of Lexington Township, PIOTTI of Unity, PLUMMER of Windham, PRATT of Eddington, PRESCOTT of Topsham, PRIEST of Brunswick, RANKIN of Hiram, RICHARDSON of Carmel, RICHARDSON of Warren, ROBINSON of Raymond, ROSEN of Bucksport, ROTUNDO of Lewiston, RUSSELL of Portland, SANBORN of Gorham, SARTY of Denmark, SAVIELLO of Wilton, SCHATZ of Blue Hill, SHAW of Standish, SIROIS of Turner, SMITH of Monmouth, SOCTOMAH of the Passamaquoddy Tribe, STEVENS of Bangor, STRANG BURGESS of Cumberland, STUCKEY of Portland, SUTHERLAND of Chapman, SYKES of Harrison, TARDY of Newport, THERIAULT of Madawaska, THIBODEAU of Winterport, THOMAS of Ripley, TILTON of Harrington, TREAT of Hallowell, TRINWARD of Waterville, TUTTLE of Sanford, VALENTINO of Saco, VAN WIE of New Gloucester, WAGNER of Lyman, WAGNER of Lewiston, WATSON of Bath, WEAVER of York, WEBSTER of Freeport, WELSH of Rockport, WHEELER of Kittery, WILLETTE of Presque Isle, WRIGHT of Berwick, Senators: ALFOND of Cumberland, BARTLETT of Cumberland, BLISS of Cumberland, BOWMAN of York, BRANNIGAN of Cumberland, BRYANT of Oxford, COURTNEY of York, CRAVEN of Androscoggin, DAMON of Hancock, DAVIS of Cumberland, DIAMOND of Cumberland, GERZOFKY of Cumberland, GOODALL of Sagadahoc, GOOLEY of Franklin, HASTINGS of Oxford, HOBBS of York, JACKSON of Aroostook, MARRACHÉ of Kennebec, McCORMICK of Kennebec, MILLS of Somerset, President MITCHELL of Kennebec, NASS of York, NUTTING of Androscoggin, PERRY of Penobscot, PLOWMAN of Penobscot, RAYE of Washington, RECTOR of Knox, ROSEN of Hancock, SCHNEIDER of Penobscot, SHERMAN of Aroostook, SIMPSON of Androscoggin, SMITH of Piscataquis, SULLIVAN of York, TRAHAN of Lincoln, WESTON of Waldo)

**JOINT RESOLUTION RECOGNIZING MAINE ADULT EDUCATION**

WHEREAS, Since 1871 Maine's public schools have supported the development of an adult education system that has grown and adapted to meet the needs of people throughout the State; and

WHEREAS, Maine's adult education programs are uniquely positioned to provide adults with the opportunity to learn where they live in all parts of Maine, with services in 85% of municipalities; and

WHEREAS, adult education programs are vital to the economic development of Maine and are actively responding to the current crisis of job loss by providing programs and courses specifically designed to help educate the workforce and prepare Maine adults for success, including:

1. Direct service to Maine adults who have experienced job loss, with enrollment increases in academic and job-related courses of between 30% and 100% following the downturn in the economy;

2. Career preparation and courses for Maine workers, plus certificate programs, including the implementation of a Work Ready Credential™ program focusing on workforce development skills for success on the job;

3. Literacy and English as a Second Language programs and successful family literacy programs combining adult education and early childhood and parenting instruction;

4. High school completion and GED programs, with 3,000 credentials awarded in Maine annually, with a major emphasis on individuals under the age of 25;

5. Comprehensive college transitions programs, in place in 22 regions covering every county in Maine, which provide career guidance, orientation to college and refresher and prerequisite classes for adults seeking college success; and

6. Community education, including a vibrant array of self-supporting courses contributing to the quality of life in Maine communities, offering the opportunity for Mainers of all ages to share talents and learn from others; and

WHEREAS, in 2009, Maine Adult Education launched a web portal system of coordinated websites for local programs allowing statewide searching for courses, online registration and payment; now therefore, be it

RESOLVED: That We, the Members of the One Hundred Twenty-fourth Legislature now assembled in the First Regular Session, on behalf of the people we represent, pause to acknowledge and express our appreciation and strong support of Maine's adult education programs, which uniquely meet the needs of the communities they serve and provide a vital system of service to the population of the State as new challenges are faced in this period of economic uncertainty; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the Department of Education.

**READ.**

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Crockett.

Representative **CROCKETT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I know that most everyone in this chamber, on both sides of the aisle, knows the value that adult education programs provide to our Maine citizens. Successful employment in the 21st century depends on having skills and on continuous learning, and definitely on the ability to retrain after layoffs that seem to be a factor in today's economy. The requirements for employment keep increasing and the layoffs in Maine show that you need to be ready to adapt and change, usually requiring more education or retraining.

Adult education is a cost effective resource of high value for Mainers, especially in this challenging time. Programs, in more than 85 percent of our municipalities, provide a familiar point of reentry for Maine's dislocated workers seeking postsecondary education and training or employment, and costs for participation are far less than courses offered for college credit.

Adult education collaborates continuously with partners, such as local career centers, offering such programs as WorkReady which is focused on work readiness and computer skills. Other partnerships include regional and nationally recognized adult education college transition programs, offered in 22 regions statewide, and in close collaboration with the Compact for Higher Education, and MELMAC, Maine Educational Opportunity centers, and postsecondary partners.

We also know that those with degrees beyond high school earn far more than high school graduates without advanced training over the course of their working lives. Adult education provides high school credits for 3,000 Maine people annually.

Over 60 percent of that number are under age 25. Many of them earn these credits while juggling classes, family life, employment and, often, childcare.

Today we honor the adult educators on behalf of all Maine people who have benefited from it. It's a real gem and deserves our praise and support. I'd ask you to please stop by on the second floor and visit the adult ed programs from your community. Thank you very much.

Subsequently, the Joint Resolution was **ADOPTED**.  
Sent for concurrence.

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**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

Lewis Pratt, Jr., of Lewiston, a student at Central Maine Community College, who was named a 2009 Student of the Year by the Maine Community College System. Mr. Pratt and his wife Aimee, who is also a student at Central Maine Community College, have 3 children. He is an active contributing member of the Central Maine Community College community. He is a member of Phi Theta Kappa and the Student Senate and is the founder of the Rifle and Pistol Club. He is a Cub Scout leader in Lewiston. He has developed training aids that have helped many of his fellow students succeed in the program, has tutored students in math and computers and has provided transportation for students who would otherwise have to walk to school. We extend our congratulations and best wishes to Mr. Pratt on his receiving this well-deserved honor;

(HLS 296)

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

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

**READ.**

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

Representative **LAJOIE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. It is my pleasure to stand before you today to honor Lewis Pratt, Jr., a student at Central Maine Community College, who was named a 2009 Student of the Year by the Maine Community College System. Lewis Pratt is not only an exemplary student, but an honorable person as well. After learning about a personal care problem that an Auburn woman, who became a quadriplegic after a hit and run accident 25 years earlier, was experiencing, Lewis and a fellow student, Andrew Morton, set out to help this woman to make her life a little easier. After days of design and construction, these young men completed a project that was able to enhance the life of this brave woman. Because of Lewis Pratt, and Maine citizens like him who selflessly donate their time and skills to those in need, we are all better off.

It is especially gratifying for me to stand here today and honor Lewis. As a 1966 graduate of Central Maine Vocational Technical Institute's first automotive graduating class, it is an honor for me to find myself standing before you today, 43 years later, celebrating a Maine Community College System Student of the Year.

Congratulations to Lewis and all of the Maine Community College System's students who make such a positive impact on our community. Thank you.

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

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**Recognizing:**

Municipal Clerks Week, May 3 through May 9, 2009, to acknowledge the dedication and accomplishments of municipal clerks throughout the State. We send our appreciation to all municipal clerks, who provide the professional and vital link among the citizens, the local governing bodies and other agencies of government;

(HLS 297)

Presented by Representative CUSHING of Hampden. Cosponsored by Representative ADAMS of Portland, Representative AUSTIN of Gray, Representative AYOTTE of Caswell, Representative BEAUDETTE of Biddeford, Representative BEAUDOIN of Biddeford, Representative BEAULIEU of Auburn, Representative BECK of Waterville, Representative BERRY of Bowdoinham, Representative BICKFORD of Auburn, Representative BLANCHARD of Old Town, Representative BLODGETT of Augusta, Representative BOLAND of Sanford, Representative BOLDUC of Auburn, Representative BRIGGS of Mexico, Representative BROWNE of Vassalboro, Representative BRYANT of Windham, Representative BURNS of Whiting, Representative BUTTERFIELD of Bangor, Representative CAIN of Orono, Representative CAMPBELL of Newfield, Representative CAREY of Lewiston, Representative CASAVANT of Biddeford, Representative CEBRA of Naples, Representative CELLI of Brewer, Representative CHASE of Wells, Representative CLARK of Millinocket, Representative CLARK of Easton, Representative CLEARY of Houlton, Representative COHEN of Portland, Representative CONNOR of Kennebunk, Representative CORNELL du HOUX of Brunswick, Representative COTTA of China, Representative CRAFTS of Lisbon, Representative CRAY of Palmyra, Representative CROCKETT of Bethel, Representative CROCKETT of Augusta, Representative CURTIS of Madison, Representative DAVIS of Sangerville, Representative DILL of Cape Elizabeth, Representative DOSTIE of Sabattus, Representative DRISCOLL of Westbrook, Representative DUCHESNE of Hudson, Representative EATON of Sullivan, Representative EBERLE of South Portland, Representative EDGECOMB of Caribou, Representative EVES of North Berwick, Representative FINCH of Fairfield, Representative FITTS of Pittsfield, Representative FLAHERTY of Scarborough, Representative FLEMINGS of Bar Harbor, Representative FLETCHER of Winslow, Representative FLOOD of Winthrop, Representative FOSSEL of Alna, Representative GIFFORD of Lincoln, Representative GILBERT of Jay, Representative GILES of Belfast, Representative GOODE of Bangor, Representative GREELEY of Levant, Representative HAMPER of Oxford, Representative HANLEY of Gardiner, Representative HARLOW of Portland, Representative HARVELL of Farmington, Representative HASKELL of Portland, Representative HAYES of Buckfield, Representative HILL of York, Representative HINCK of Portland, Representative HOGAN of Old Orchard Beach, Representative HUNT of Buxton, Representative WALSH INNES of Yarmouth, Representative JOHNSON of Greenville, Representative JONES of Mount Vernon, Representative JOY of Crystal, Representative KAENRATH of South Portland, Representative KENT of Woolwich, Representative KNAPP of Gorham, Representative KNIGHT of Livermore Falls, Representative KRUGER of Thomaston, Representative LAJOIE of Lewiston, Representative LANGLEY of Ellsworth, Representative LEGG of Kennebunk,

Representative LEWIN of Eliot, Representative LOVEJOY of Portland, Representative MacDONALD of Boothbay, Representative MAGNAN of Stockton Springs, Representative MARTIN of Orono, Representative MARTIN of Eagle Lake, Representative MAZUREK of Rockland, Representative McCABE of Skowhegan, Representative McFADDEN of Dennysville, Representative McKANE of Newcastle, Representative McLEOD of Lee, Representative MILLER of Somerville, Representative MILLETT of Waterford, Representative MITCHELL of the Penobscot Nation, Representative MORRISON of South Portland, Representative NASS of Acton, Representative NELSON of Falmouth, Representative NUTTING of Oakland, Representative O'BRIEN of Lincolnville, Representative PENDLETON of Scarborough, Representative PEOPLES of Westbrook, Representative PERCY of Phippsburg, Representative PERRY of Calais, Representative PETERSON of Rumford, Representative PIEH of Bremen, Representative PILON of Saco, Speaker PINGREE of North Haven, Representative PINKHAM of Lexington Township, Representative PIOTTI of Unity, Representative PLUMMER of Windham, Representative PRATT of Eddington, Representative PRESCOTT of Topsham, Representative PRIEST of Brunswick, Representative RANKIN of Hiram, Representative RICHARDSON of Carmel, Representative RICHARDSON of Warren, Representative ROBINSON of Raymond, Representative ROSEN of Bucksport, Representative ROTUNDO of Lewiston, Representative RUSSELL of Portland, Representative SANBORN of Gorham, Representative SARTY of Denmark, Representative SAVIELLO of Wilton, Representative SCHATZ of Blue Hill, Representative SHAW of Standish, Representative SIROIS of Turner, Representative SMITH of Monmouth, Representative SOCTOMAH of the Passamaquoddy Tribe, Representative STEVENS of Bangor, Representative STRANG BURGESS of Cumberland, Representative STUCKEY of Portland, Representative SUTHERLAND of Chapman, Representative SYKES of Harrison, Representative TARDY of Newport, Representative THERIAULT of Madawaska, Representative THIBODEAU of Winterport, Representative THOMAS of Ripley, Representative TILTON of Harrington, Representative TREAT of Hallowell, Representative TRINWARD of Waterville, Representative TUTTLE of Sanford, Representative VALENTINO of Saco, Representative VAN WIE of New Gloucester, Representative WAGNER of Lyman, Representative WAGNER of Lewiston, Representative WATSON of Bath, Representative WEAVER of York, Representative WEBSTER of Freeport, Representative WELSH of Rockport, Representative WHEELER of Kittery, Representative WILLETTE of Presque Isle, Representative WRIGHT of Berwick, Senator ALFOND of Cumberland, Senator BARTLETT of Cumberland, Senator BLISS of Cumberland, Senator BOWMAN of York, Senator BRANNIGAN of Cumberland, Senator BRYANT of Oxford, Senator COURTNEY of York, Senator CRAVEN of Androscoggin, Senator DAMON of Hancock, Senator DAVIS of Cumberland, Senator DIAMOND of Cumberland, Senator GERZOFKY of Cumberland, Senator GOODALL of Sagadahoc, Senator GOOLEY of Franklin, Senator HASTINGS of Oxford, Senator HOBBS of York, Senator JACKSON of Aroostook, Senator MARRACHÉ of Kennebec, Senator McCORMICK of Kennebec, Senator MILLS of Somerset, President MITCHELL of Kennebec, Senator NASS of York, Senator NUTTING of Androscoggin, Senator PERRY of Penobscot, Senator PLOWMAN of Penobscot, Senator RAYE of Washington, Senator RECTOR of Knox, Senator ROSEN of Hancock, Senator SCHNEIDER of Penobscot, Senator SHERMAN of Aroostook, Senator SIMPSON of Androscoggin, Senator SMITH of

Piscataquis, Senator SULLIVAN of York, Senator TRAHAN of Lincoln, Senator WESTON of Waldo.

On **OBJECTION** of Representative CUSHING of Hampden, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from Hampden, Representative Cushing.

Representative **CUSHING**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. It is my pleasure to rise today on behalf of a group of dedicated municipal employees, who quietly assure that the business of our communities is getting done. Whether registering your car, your dog or your snow mobile, they efficiently handle these transactions. They also process the mountains of paper reproduced from certificates of marriage, to birth and death. They help document us from cradle to grave. They keep the minutes and the important records of our past. Imagine our dilemma if we did not have these faithful servants of the people. Many also oversee other duties like getting you registered to vote, and then they work long hours during elections to properly handle the ballots and voters during the mad rush of these elections. It's with great respect and appreciation I rise today, on behalf of the Legislature, to honor them.

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

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**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Resolve, To Eliminate the Regional Wage Adjustment Applied to Nursing Homes

(S.P. 392) (L.D. 1058)

Signed:

Senators:

BRANNIGAN of Cumberland  
MARRACHÉ of Kennebec  
MILLS of Somerset

Representatives:

PETERSON of Rumford  
JONES of Mount Vernon  
LEWIN of Eliot  
STRANG BURGESS of Cumberland  
STUCKEY of Portland

Minority Report of the same Committee reporting **Ought to Pass** on same Resolve.

Signed:

Representatives:

PERRY of Calais  
SANBORN of Gorham  
JOY of Crystal  
CAMPBELL of Newfield

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Minority **Ought to Pass** Report.

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

**READ.**

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

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Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Authorize Arbitration of Property Tax Valuation Disputes"

(S.P. 113) (L.D. 349)

Signed:

Senators:

BLISS of Cumberland  
NASS of York

Representatives:

WATSON of Bath  
BRYANT of Windham  
LANGLEY of Ellsworth  
FLEMINGS of Bar Harbor  
CROCKETT of Augusta  
PILON of Saco  
CHASE of Wells  
VALENTINO of Saco  
SIROIS of Turner

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-79)** on same Bill.

Signed:

Senator:

PERRY of Penobscot

Representative:

KNIGHT of Livermore Falls

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

**READ.**

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

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Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Include the Study of Franco-American History in the System of Learning Results"

(H.P. 310) (L.D. 422)

Signed:

Senators:

ALFOND of Cumberland  
SCHNEIDER of Penobscot  
WESTON of Waldo

Representatives:

SUTHERLAND of Chapman  
FINCH of Fairfield  
WAGNER of Lewiston  
LOVEJOY of Portland  
NELSON of Falmouth  
RANKIN of Hiram  
RICHARDSON of Carmel  
McFADDEN of Dennysville  
JOHNSON of Greenville

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-219)** on same Bill.

Signed:

Representative:

CASAVANT of Biddeford

**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. There has been a great deal of interest in curriculum changes in the public schools and we in the Education Committee have addressed a number of those this year, and I'd like to talk about this in general and then specifically about this particular bill.

I want to start out by saying to you that my maiden name was Beaulieu. Je suis Acadienne, Franco-américaine. Je parle français. I grew up very much in a bilingual home. I am so incredibly proud of my Franco-American heritage, had a grandmother directly descended from the Acadians who settled in the Saint David area in the northern part of the state, had others who came from Quebec, very much, very proud. However, my name is Sutherland today. My husband's people came from New Brunswick. They were Scots, and they settled in the northwestern part of Aroostook County in the forest industry, joined by a lot of Irish. If you go to Allagash today, you will not find many Cyrs, Beaulieus and Ouellettes. You will find Jacksons and Haffords and Raffords and McBreairtys. That's the nationality of those folks. If you go the New Sweden area in Aroostook County, you're going to find a lot of Petersons, Sodergrens and so forth. If you come down here around Augusta, there is a great Russian group that were in the Richmond area. I have friends in Biddeford who have Greek heritage. Both Waterville and Caribou have Lebanese folks. We are certainly a melting pot all over the state of all kinds of nationalities. You know many more than I have just referenced, I don't know them all. But in a quick glimpse around the state, they're all kinds of folks.

Public school teachers take advantage of all of these kinds of folks. They invite them in to talk about their history, an oral history lesson as it fits; bring in some samples of food. Baklava, ployes, and those great stuffed cabbage that the Lebanese folks make, all kinds of good things that we expose our children to so that we can meet the learning standard that addresses unity and diversity. We leave it to our public school people to make those decisions.

I want to share with you one piece of testimony that we received from our school professionals when we were hearing testimony on this bill. This happens to be a picture of what goes on in the Lewiston public schools: Lewiston public schools don't have a course titled Franco-American History; however, it is integrated into their classrooms, K-12, as part of their instructional practices. In Grade Three they study Lewiston as a community; in Grade Four it's Maine history and its people; 6th Grade spends a period of time on Canada. At the middle schools, Maine history is the focus that integrates the teaching of immigration, the history of Lewiston, the importance of the river, the role that the Bates Mill played and current events. They participate with the L-A Museum and the Franco-American students, the music department at Lewiston High School, work with the Franco-American Center to bring performances to the community, elementary strings, talks about the importance of fiddling, and it goes on and on. That's just one school district.

All over the state, some do it much better than others, I'm not saying it is perfect, but I think our school professionals make every effort to address those issues of unity and diversity with the resources that they have. We find it very, very difficult to legislate

to school districts how they must change their curriculum to meet the learning results. The professionals, the school boards, the local school boards all have say into what the curriculum will be. We don't do it from a legislative perspective because it opens the door to many, many, many issues. This year, so far, we've talked about adding physical education, more phys. ed., who wouldn't agree with that? Putting more agriculture in the classroom, who wouldn't agree with that? Doing more with mental health of children, who would disagree? However, there are only so many hours in the school day and we leave it to the professionals that meet their end goals by writing and using their curriculum that works for them. That's what leads us to our vote on this bill. Great ideas, lots and lots of things going on all over the state. We did our homework, and I didn't bring props to show you the textbooks that include sections on Franco-American and the immigration into the state, all of the other resources that teachers use. Teachers are good, they are very creative, they know where to find resources, they don't have a lot of money to work with, and they make it a part of what they do every day. So we encourage you to support the Majority Report of the committee and vote Ought Not to Pass.

Representative BOLDUC of Auburn **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 Auburn, Representative Bolduc.

Representative BOLDUC: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. Let me begin by saying what a pleasure it has been to personally lobby all 151 members of this House. I have been bragging to my friends and family that this state is in sound hands with members of both sides of the aisle, and it is a great honor to have talked with all of you. So now down to business.

In 1992 an occupational distribution study showed that 1 percent of surnamed French men held a professional salaried job in Maine. This statistic is rather shocking when in 2000, the census reported that nearly a quarter of Maine's population had a French surname and Maine had the largest percentage of French speakers in the entire country and that 50 percent of those born in Maine have French ancestry.

Growing up in New Auburn, in the shadow of Little Canada in Lewiston, provided me with a unique cultural experience for a contemporary American, to be exposed to one's cultural past. The spires of St. Louis church crown this Franco ethnic enclave of Auburn and I can still remember my French Canadian Grandmother holding my hand when I was five, to walk me across the Peace Bridge into Lewiston where she would get her hair done by her French speaking stylist and other clients.

Survivance is a term used by the French of Maine to refer to the importance of keeping alive the three pillars of French North American society: language, religion and culture. This cultural cohesion was so important to a population which historically had to advocate for itself in New England to realize social justice. Many people today don't realize, for example, that the credit union, a financial cooperative system unique and popular here in Maine, was in fact the "French Bank" started in reaction to the financial discrimination of the New England banking institutions of the 1800's. As late as 1922 the French of Biddeford had to hold off the Ku Klux Klan march coming into the city from across the river in Saco, which they successfully did. My father's anecdotes from his experiences going to public schools in Auburn during the 50's and being ridiculed for being French by his teachers is another example that comes a little closer to home.

One January afternoon this year, after a session of the legislature adjourned, I walked across the State House tunnel. Evan Haynes' sculpture, *Comuniqué*, was incorporated into the walls of the underground corridor of the State House. It merges texts in French and the Eastern Algonquian languages, recalling the tenacious link between the French and Indigenous worlds that have existed in Maine. The sculpture stands in strong testimony to the origins of Maine's history. I couldn't help think of the irony as I walked to the Department of Education, a recent graduate of the University of New England's Graduate Teacher Certification Program, I picked up my Teacher Certificate in person, close to becoming that professionally salaried 1 percent.

This legislative session, as a State Representative and a certified social studies teacher, I have submitted legislation to incorporate Franco-American history and culture into the Maine learning results for social studies curriculum in our public schools. Currently, the state's directive to teachers fails to mention anything at all about this rich cultural past in our state's history.

"The State of Maine penetrates into the heart of French Canada like an arrow. This is evident by looking at a map and tracing out the 45th Parallel, which divides New York, Vermont, and New Hampshire from Quebec. If you extend that line eastwards, two-thirds of Maine falls north of it. Since much of the state lies "inside" of Canada and provides better access to the "mother country," Franco-American contacts with Canada have been better preserved in Maine than elsewhere in the United States."

The history of the French in Maine is not separate from the history of Maine as a political geographic unit, Maine history and culture rather, is a part of French North American History. This history is not new. Indeed, it extends back to the first European arrival on the coast of the "Mayne." Many scholars in the United States frequently did not keep abreast of newer studies published in Canada—usually in French—and had a tendency to present an outmoded, biased description of French-Canadian and Acadian society, as well as a simplified and prejudicial vision of their emigration to New England. Much that has been produced in English by American academics on the French in Maine, over the last three decades, has appeared within works about the wider region or more general topics. Frequently, such coverage is uneven. For example, among the eighty-eight articles published in the journal of the Maine Historical Society between 1990 and 1999, only seven dealt with Franco-American subjects. In 1990, historian Neil Rolde made a significant effort to document the contributions of French-Canadians and other ethnic groups in the State of Maine in his volume, *Maine: A Narrative History*. However, when professional historians produced a history of Maine eight-years later, *Maine: The Pine Tree State from Prehistory to the Present*, not a single chapter was devoted to Franco-Americans. Certainly, the passage of time should not be confused with progress.

Franco-American subjects and academic minors were established in 2000 in French North American Studies at the University of Southern Maine and in Franco-American Studies at the University of Maine in Orono, while the number of courses on Franco-America have multiplied in other institutions of higher education throughout the state. Also in 2000, a representative of each of these programs joined with the Acadian Archives at the University of Maine at Fort Kent to found the Maine Franco-American Studies Alliance. Its mission is to foster cooperation between their respective institutions and to assure community participation in Franco-American Studies throughout our public universities. LD 422 has not only received statewide media attention but also national and international coverage. The eyes of the francophone communities here in New England, from



Lowell Massachusetts to Woonsocket, Rhode Island to Manchester, New Hampshire to Burlington, Vermont are encouraging their legislatures to adopt similar efforts in what is being coined as a Franco revival among the younger generation of Franco-Americans here in New England. They will consider this vote a weathervane.

The Canadian and French consulates in Boston are supportive and enthusiastic and believe this act could encourage the building of a communication bridge to our neighbors to the north that could have economic development implications.

Men and Women of the House, I have laid out for you here the historical and economic arguments for this bill's passage, now I would like to briefly explain the second element of my remarks on this issue and that has to do with the institutional integrity of the House of Representatives. At the age of 22, I was elected to my first term in the House of Representatives. I was what they called a term limits baby. I have to confess looking back at my first two terms, I view a cloudy picture. Recent research has shown that the human brain does not fully develop until your mid-twenties. No offense to my seatmate from Waterville. Needless to say, it was a struggle for me to hold office at that age and after my subsequent defeat at the polls, I took Speaker Rowe's advice to take a break and sew my seeds. "I could always come back to politics" he told me. After cleaning out my desk here in the chamber, I said goodbye to my dear friend Joe Mayo, the Clerk of the House. He thanked me for my service and he made me promise him that I would come back to the house.

Upon leaving office and with great tempestuousness and zeal, I tested the limits and left no misdemeanor unturned in my quest for truth and meaning. I lived and I learned, and along the way I found and I figured out the key to success in life was hard work and unrelenting perseverance. Somewhere in my late twenties my brain began to set and I began the process of successfully engaging life in a constructive manner. Every morning I enter this chamber, I remember walking in under the protective glance of Joe who would give me a nod. This nod indicated that I was to be noted on the quorum call for the day as I never got to work before then. He loved this body and as this legislative session unfolded I began to see the impact term limits have had in such a short period of time. The arguments we in the committees use to not act on what appears to be good legislation because it runs contrary to established executive department processes is one example. I would like to read to you a brief excerpt from Joe's farewell letter that he left to the members of the House, and it reads: *Permit me now to offer a few opinions about the House. Those of you who know me well have heard me talk about the sovereignty of the House of Representatives. I have often overstated the case but allow me to say it one more time for the record. Much has been said of late concerning the loss of power to the Legislature to the Executive. I would comment that this is only true if you permit it to be true. There has been no change in your constitutional powers. They are there for you to exercise. Be vigilant in your duty to oversee the Executive. Ask the tough questions and demand appropriate responses. The Legislature is the branch of government that is most accessible and most responsive. You, therefore, have the ability to garner the support of the public if you use your accessibility and responsiveness to your advantage. Vigilance to the task is the key.*

I believe now the time has come to modestly incorporate this historically neglected yet major part of Maine's history and culture into our public school curriculum. I am proud to sponsor this House resolution. I respectfully ask my colleagues to vote Ought Not to Pass on this so we can move on and accept the Minority

Ought to Pass as Amended Report. Really, I kept my promise to Joe Mayo, and it is a pleasure to stand here today and be vigilant at this task. Thank you very much.

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

Representative **RUSSELL**: Thank you, Madam Speaker. Je suis Américaine. Parlez-vous français. That is all I can say in French. I am proudly an American mutt. I can't even ask where the bathroom is in French, though I do like crepes a lot. Thanks to my first mother-in-law, Ms. Alegra, and, yes, I am young enough to have been married and divorced, I speak enough Spanish to get by. My first husband is from Venezuela. He was tall, dark and handsome, what can I say? But when I walked into the new Portland Lowe's, or newish now, I was struck by the Spanish subtitles. Now of course I could read them, but why were they here in Maine? Why wasn't it in French? Now I find this odd, good old American mutt that I am, shouldn't that say something about how deeply embedded our Franco-American heritage is in our history? Now to be clear, I have no dog in this fight. My district is about as diverse as one could get, next to Representative Adams of course, but I do see a point in making sure that our culture here in Maine is strongly represented, and we do have multiple cultures that are represented here in Maine, but the French heritage is so deep to our history and so deeply embedded that those of us American mutts who thoroughly sit on the sidelines and enjoy some of the pieces, like crepes, that the French bring to us, and the credit unions apparently, that we're actually able to stand up and willing to stand up and speak about this.

Now Representative Bolduc shared something that I feel very strongly about and that is the dedication to persistence, and Representative Bolduc has been very persistent in this and I give him a lot of credit to that. So I am going to stand here and I am going to ask folks to join me and to vote in favor of this motion, because even if you don't have a dog in the fight, the fact of the matter is crepes are a good thing and the French heritage is a very good thing to our culture here in Maine. I'm sorry, to be quite frank, the Lowe's should never have put subtitles in Spanish. I took umbrage at this. Yo hablo español y no quisiera. I speak Spanish and I don't want them on my subtitles here in Maine. I think they should be French, and I think the French culture should be deeply embedded in our curriculum here in Maine. So thank you very much and I will be supporting and following Representative Bolduc's light.

The SPEAKER: The Chair recognizes the Representative from Caswell, Representative Ayotte.

Representative **AYOTTE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I just want to take a brief minute to compliment Representative Bolduc and I applaud him for his effort in keeping the French culture alive. I think it is the most important group that we do have in Maine. I grew up in French community. I suppose when I was young I thought the whole world spoke French. I did find out, however, that some of our more populated areas—Biddeford, Lewiston, Auburn, Saco, Sanford—many of the areas, 30 or 40 years ago, especially when I went to a college in southern Maine, I realized that you could walk down the street and many of these people were speaking French.

I do want to also say that the Acadian French culture around Nova Scotia and eastern New Brunswick and the French Canadian culture around Quebec consider themselves more or less two separate entities. When I took basic training at Fort Polk, Louisiana, in 1967, I met a family of Ayotte's and I did speak with them and they said that they had been taken down from Nova Scotia, I believe it was 1755, that they were dispersed

along the eastern Atlantic shores of the United States, and for the first time it became real, the diaspora of the French people.

I do want to again compliment and applaud Representative Bolduc and hope that perhaps we could at least incorporate some French culture and heritage in some of the schools in Maine where French still exists as a group. Thank you very much, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Lyman, Representative Wagner.

Representative **WAGNER**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Indeed, time is so fleeting in an academic year that only a survey of the lives in times past is possible in a history class. All the more reason to make sure that the landscape of social, political and cultural developments presented to students is as comprehensive as possible. For students in Maine, the inclusion of Franco-American history completes the portrait of the three founding cultures: Native, British, and French. Franco-American Day would have all the more meaning and poignancy for young people if they had the full historic context in which to place it. LD 422, as amended, is a modest measure which assures that students will develop an understanding that in this part of the country, Jefferson's vision was built in part on Champlain's dream. Ladies and Gentlemen, I encourage you to consider supporting the Minority Ought to Pass as Amended Report. Thank you, Ladies and Gentlemen. Thank you, Madam Speaker.

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 rise in opposition to the pending motion. I do respect the good Representative Sutherland's rationale and rationale of the committee pertaining to the diversity that exists in Maine, but I have to admit that my knowledge of Franco history is limited to what I've learned since I've been in the House. Now that's understandable because most of my education took place in Colorado. But I have two children who were educated in Maine public schools and I can say they know a little more than I do of Franco history. I think this needs to be remedied, and I think the Department of Education certainly has the capability of expanding the curriculum appropriately, not at the expenses of the diversity that we have to honor and should honor in our schools. But I would hope that we defeat the pending motion and honor the Minority and accept the report. Thank you.

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

Representative **SOCTOMAH**: Thank you, Madam Speaker. Madam Speaker, Members of the House. I believe this is a good bill. Anytime people can learn about the truth in history, it's good. In this state's history, both the Franco-American and the Native American history hasn't been told correctly. A paragraph here, a paragraph there in a history book.

A few years ago, the Legislature passed a bill to have Native American history taught in Maine public schools. It has been a work in progress. The Department of Education has been working closely with the Maine tribes and teachers across the state. The teachers I meet and talk with are energized about teaching and learning this. Many say it is about time that this is taught in our schools for the children to learn the true history of this state, and that true history includes a history of the Franco-American population. Thank you.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Legg.

Representative **LEGG**: Thank you, Madam Speaker. Madam

Speaker, Men and Women of the House. I rise today in support of LD 422 to integrate Franco-American studies into our social studies' curriculum. I was part of the first generation of Texans to attend integrated high schools. Those were tough times, partially because of the rebirth of the Klu Klux Klan in our state and other states. It was decades before black and Mexican-American history were taught in our public schools. The Klan did march in Maine in the 1920's and their target was not black people or Mexican-Americans.

Franco-Americans are an integral part of Maine's history. Our first European explorers were mostly French. When the French Acadians were driven out of Nova Scotia by the British, they were scattered in many places. Eventually, they would up primarily in two places: southern Louisiana, where they took the name Cajun, and in northern Maine. These are tough places to live, but those were tough people. Lafayette was an important hero of the American Revolution—incidentally, the capital of Cajun Louisiana is pronounced Lafayette—and it was the French navy which surprised the British army as they tried to retreat after their defeat at the Battle of Yorktown, and thus America won its independence from Britain. Today one-third to one-half of Maine's people have a Franco-American heritage.

In the 1970's, when I was a headmaster, our French teacher, Jim Searles, a Bates graduate from Wilton, helped us get a grant from the Federal Government to develop a Franco-American curriculum. It was very successful. Later on, Representative Bolduc was a student of Jim Searles at Edward Little High School. Jim taught him well.

When we first moved up and brought our family back to Maine, our youngest son Casey, who was four when we left, came back, and two of his best friends were half Irish, half Franco-American. They ended up both being groomsmen in his wedding, and, by the way, our new daughter-in-law was also half Irish and half Franco-American. So our family will have a Franco-American heritage, if they ever get around to producing some children.

I call on Maine's people to integrate this education into our curriculum because we need it, it's appropriate, and, as a former teacher of American history, I think it's vital that our young and old people alike be exposed to this important history in our state. Thank you.

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

Representative **CASAVANT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I am French-Canadian. I am the only signature on the Minority Report, but let me explain just quickly why.

First off, I fully understand there are some complications with adding another layer to the Maine learning results. I am a teacher, an active teacher in the classroom, but those of you that were here last year probably recognize, I said it a number of times, I don't like the Maine learning results. I think it's a huge disconnect from that and what's going on in the classroom. I really believe that this element, the idea of Franco studies, because so many people in the State of Maine are Franco, have Franco blood, can easily be added as part of a bigger concept, I guess, a new way of approaching the whole idea of what we're supposed to be teaching. That's one reason why I voted that way.

The other reason, of course, is, and I'm really kind of embarrassed to say this, but when I was younger, I was embarrassed to be Franco-American. I remember telling that to some individuals that I have—I have an exchange with Saint George, Quebec on a yearly basis; in fact, its next week—and they looked at me like why were you embarrassed, and I said

because of the way I was treated. Oh, you're Franco, you're dumb, the stereotype. One of the things that was very clear in the testimony from the many individuals who showed up was that that discrimination or that overt stereotype still haunts people today, and how did I respond to that? I buried my Franco traditions. If you listen to me speak, I have no French accent—all of my relatives do—and the reason why is because I consciously tried to change it when I was in elementary school. I'm serious. It was a stupid thing to do and I am embarrassed by it, but that's the way I reacted because of the way the culture looked at me as being Franco. In fact, I never even learned French because I refused to go along with what my heritage was all about. For those reasons, I think it's important to give voice to those who are Franco in the state, and that's what they asked for, a chance to be included in the traditional history, and I think that's really important for many individuals in the State of Maine today. Thank you very much.

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

Representative **CELLI**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I am going to vote nay on this proposal. I go to the Acadia Festival every year with the 20th Maine, and it's a fascinating festival, you learn a lot about Franco-American history.

Also, I agree with Representative Legg. By including this, as they did in Texas with Mexican-American history, there was a cohesiveness that started to come about, there were fewer confrontations. So I believe that this can help in that matter too. Plus, we always talk about family and family values. If you read any books on the Acadian lifestyle here in Maine, you will realize how strong family is to them, and so that may be a good outcome of this. Also, if this passes, maybe next year we can consider Sicilian and Texan history into our curriculum. Thank you.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative Theriault.

Representative **THERIAULT**: Thank you, Madam Chair. I stand in support of the Minority Report. Just a brief history of some of the things that have happened, of course, everyone knows Theriault is French Acadian, and some of what the Representative from Biddeford was talking about also happened to me. Many times as we were growing up, six years old it started, the grammar school, five or six years old, didn't speak any English, we just spoke French, and we were banned from speaking French on the school grounds. So, all in all, my family never really spoke that much about the history of the Acadians or the French. We knew we were French, but the Acadians were not something that was talked about much, until one day, in a few years, I was probably 30 years old or something, walking on the street and I met Guy Dube from Madawaska who is a historian, and said to me, Ken, when you want to have a real Acadian family for the Acadian Festival, a family reunion in Madawaska, just let me know. I said, well yeah, okay, I will someday, but it rang a bell and I started looking into it. I was finding things about the Theriault's that I did not know, that the Theriault family was one of the founding families of Grand Pre in Nova Scotia, and the history of the Acadians and so forth. I believe that it is time that it should be given to the students in school, not just the ones that are of the French heritage, but the ones that are in school so that they learn about this history of our forefathers. Thank you, Madam Chair.

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. 53**

YEA - Beaudette, Beaulieu, Bickford, Blodgett, Browne W, Bryant, Burns, Cain, Carey, Cebra, Chase, Clark T, Cohen, Connor, Cotta, Crafts, Crockett P, Curtis, Cushing, Dill, Driscoll, Duchesne, Eberle, Finch, Fitts, Fletcher, Fossel, Gifford, Giles, Hamper, Hanley, Harvell, Haskell, Hayes, Hinck, Johnson, Knapp, Knight, Lewin, Lovejoy, Mazurek, McFadden, McKane, McLeod, Miller, Millett, Nass, Nelson, Nutting, Peoples, Percy, Perry, Pieh, Pinkham, Piotti, Plummer, Rankin, Richardson D, Richardson W, Robinson, Sarty, Smith, Strang Burgess, Stuckey, Sutherland, Sykes, Tardy, Thibodeau, Thomas, Van Wie, Wagner R, Watson, Weaver, Welsh, Madam Speaker.

NAY - Adams, Austin, Ayotte, Beaudoin, Beck, Berry, Blanchard, Boland, Bolduc, Briggs, Butterfield, Campbell, Casavant, Celli, Clark H, Cleary, Cornell du Houx, Crockett J, Davis, Dostie, Eaton, Edgecomb, Eves, Flaherty, Flemings, Flood, Gilbert, Goode, Greeley, Harlow, Hill, Hogan, Hunt, Innes Walsh, Jones, Joy, Kaenrath, Kent, Kruger, Lajoie, Langley, Legg, MacDonald, Magnan, Martin JR, Martin JL, McCabe, Morrison, O'Brien, Peterson, Pilon, Prescott, Priest, Rotundo, Russell, Saviello, Schatz, Shaw, Sirois, Stevens, Theriault, Tilton, Treat, Trinward, Tuttle, Valentino, Wagner J, Webster, Wheeler, Willette, Wright.

ABSENT - Cray, Pendleton, Pratt, Rosen, Sanborn.

Yes, 75; No, 71; Absent, 5; Excused, 0.

75 having voted in the affirmative and 71 voted in the negative, with 5 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Extend the Summer Tourism Season and Thereby Increase Sales Tax Revenues by Requiring that the School Year in Maine Begin After Labor Day"

(H.P. 735) (L.D. 1068)

Signed:

Senators:

ALFOND of Cumberland  
SCHNEIDER of Penobscot  
WESTON of Waldo

Representatives:

SUTHERLAND of Chapman  
FINCH of Fairfield  
WAGNER of Lewiston  
LOVEJOY of Portland  
NELSON of Falmouth  
RANKIN of Hiram  
RICHARDSON of Carmel  
McFADDEN of Dennysville

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-220)** on same Bill.

Signed:

Representatives:

JOHNSON of Greenville  
CASAVANT of Biddeford

**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 **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-222)** on Bill "An Act To Amend the Laws Regarding Overnight Parking of Recreational Vehicles" (H.P. 98) (L.D. 114)

Signed:

Senators:

BRANNIGAN of Cumberland  
MARRACHÉ of Kennebec  
MILLS of Somerset

Representatives:

PERRY of Calais  
PETERSON of Rumford  
JONES of Mount Vernon  
SANBORN of Gorham  
CAMPBELL of Newfield  
STUCKEY of Portland  
EVES of North Berwick

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

Signed:

Representatives:

JOY of Crystal  
LEWIN of Eliot  
STRANG BURGESS of Cumberland

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-222)** Report.

**READ.**

Representative PERRY of Calais 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 **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Preserve the Commitment Made to Children in the State's Care" (H.P. 413) (L.D. 575)

Signed:

Senators:

BRANNIGAN of Cumberland  
MARRACHÉ of Kennebec  
MILLS of Somerset

Representatives:

PERRY of Calais  
JONES of Mount Vernon  
JOY of Crystal  
LEWIN of Eliot  
STRANG BURGESS of Cumberland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-205)** on same Bill.

Signed:

Representatives:

PETERSON of Rumford  
CAMPBELL of Newfield

STUCKEY of Portland

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Minority **Ought to Pass as Amended by Committee Amendment "A" (H-205)** Report.

**READ.**

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

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-206)** on Resolve, To Implement Certain Recommendations of the Report of the Governor's Task Force on Expanding Access to Oral Health Care for Maine People

(H.P. 438) (L.D. 624)

Signed:

Senator:

MILLS of Somerset

Representatives:

PERRY of Calais  
PETERSON of Rumford  
JONES of Mount Vernon  
SANBORN of Gorham  
JOY of Crystal  
CAMPBELL of Newfield  
STRANG BURGESS of Cumberland  
STUCKEY of Portland  
EVES of North Berwick

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

Signed:

Senators:

BRANNIGAN of Cumberland  
MARRACHÉ of Kennebec

Representative:

LEWIN of Eliot

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-206)** Report.

**READ.**

On motion of Representative PERRY of Calais, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-206)** was **READ** by the Clerk and **ADOPTED**. The Resolve was assigned for **SECOND READING** Thursday, May 7, 2009.

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-214)** on Bill "An Act To Ensure Adequate Insurance Coverage for Family Child Care Providers"

(H.P. 614) (L.D. 896)

Signed:

Senators:

BOWMAN of York  
ALFOND of Cumberland  
McCORMICK of Kennebec

Representatives:

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

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

Signed:

Representative:

RICHARDSON of Warren

**READ.**

On motion of Representative TREAT of Hallowell, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-214)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 7, 2009.

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Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-208)** on Bill "An Act Regarding Grassroots Lobbying"

(H.P. 246) (L.D. 310)

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 Not to Pass** on same Bill.

Signed:

Senator:

PLOWMAN of Penobscot

Representatives:

BEAULIEU of Auburn  
PINKHAM of Lexington Township  
FITTS of Pittsfield

NASS of Acton

**READ.**

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

Representative FITTS of Pittsfield **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: 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. 54**

YEA - Adams, Beaudette, Beaudoin, Beck, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Butterfield, Cain, Carey, Casavant, Clark H, Cleary, Cohen, Connor, Cornell du Houx, Crockett P, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Eves, Flaherty, Flemings, Gilbert, Giles, Goode, Harlow, Harvell, 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, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Piotti, Priest, Rankin, Rotundo, Russell, Saviello, 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, Ayotte, Beaulieu, Bickford, Browne W, Burns, Campbell, Cebra, Celli, Chase, Clark T, Cotta, Crafts, Crockett J, Curtis, Cushing, Davis, Edgecomb, Finch, Fitts, Fletcher, Flood, Fossel, Gifford, Greeley, Hamper, Johnson, Knapp, Knight, Langley, Lewin, McFadden, McKane, McLeod, Millett, Nass, Nutting, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Robinson, Sarty, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tilton, Weaver.

ABSENT - Cray, Hanley, Joy, Pendleton, Pratt, Rosen, Sanborn.

Yes, 93; No, 51; Absent, 7; Excused, 0.

93 having voted in the affirmative and 51 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" (H-208)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 7, 2009.

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Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-217)** on Bill "An Act To Allow Lobster License Exemptions to Persons with Certain Medical Criteria"

(H.P. 697) (L.D. 1009)

Signed:

Senators:

DAMON of Hancock  
SULLIVAN of York

Representatives:

MacDONALD of Boothbay  
PRESCOTT of Topsham  
PENDLETON of Scarborough  
WEAVER of York  
PERCY of Phippsburg

EATON of Sullivan  
 TILTON of Harrington  
 ADAMS of Portland

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

Signed:

Senator:

RECTOR of Knox

Representatives:

McKANE of Newcastle

KRUGER of Thomaston

**READ.**

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

Representative MAZUREK of Rockland **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 Thomaston, Representative Kruger.

Representative **KRUGER**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. The state of Maine's fisheries is grim; I don't have to tell you that. One of the healthiest resources, however, is the lobster supply, and it's one of the more managed fisheries by both fishermen and by the DMR in an impressive cooperation. One key element of this management plan is the limited entry system. It's not always easy on individuals, but it's a key element of management. This bill is well-intentioned to help a gentleman with a very sad tale, but the bill pulls a block out of the foundation of the management of this resource and the law, if enacted, would open the door for a hundred more sad stories. Then the management plan is hallow and the lobster fishery could go the way of groundfish, urchins, I could go on. While Maine lobstermen may well be endangered, the lobsters are doing well. Let's keep it that way by voting no on this motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Phippsburg, Representative Percy.

Representative **PERCY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. The legislation that is in front of you is unusual. The Marine Resources Committee worked very, very hard on this bill. Our current system of limited entry was established in the late 90s as a conservation measure, and it included, in that creation of this system, ways for people who had medical challenges to come back into the fisheries. But then there is the very, very unusual case of Frank Goodwin. Frank Goodwin was a licensed lobster fisherman from 1967 until about 1985, when we was diagnosed with muscular dystrophy. He was told he would never be able to fish again. It came time to renew his license the next year and he did not renew it because there was no hope that he would physically be able to do this kind of work again.

In the late 90s, the Maine Legislature created the Limited Entry Program. In the early part of the 21st century, Frank Goodwin was told that it was a misdiagnosis. He called the Department of Marine Resources to apply for his license because that's what you normally did, and they actually said you've got to be kidding, the limited entry program was in full swing, so Frank was unable to apply for his license. Frank spent the last five years, he has talked with the commissioner, he has talked with

the department, he has talked to every person he possibly could talk to about how to deal with this unusual situation, because of this one problem with a misdiagnosis. He was unable to come up with anything that worked. He even brought to the commissioner's office a document that was a petition. The petition was signed by 82 of the 83 fishermen in his harbor, all saying they wanted Frank to be able to fish again, and, in fact, not only did they want him to be able to fish again, one of them offered to build him a boat because, once Frank was diagnosed with MS, he lost his boat, he lost his home and his life really took a downward tumble. The commissioner did not grant it so Speaker Pingree brought forth this legislation to the committee, asking our Marine Resources Committee to make a policy decision regarding an issue that fits a very, very small part of the fisheries industry.

The original bill was too big. The original bill would have created many, many, many loopholes, and the committee did not support the original bill; however, members of the committee were so struck by all the details of this unique situation that they crafted a very narrow amendment, and I would like to share that amendment with you. This amendment would allow a person diagnosed with muscular dystrophy between the years of 1983 and 1988 that had been in a possession of a lobster license within one year prior to the diagnosis, but did not hold a license since the year following the diagnosis to be eligible for a medical waiver to obtain a license, and they can also fish a smaller number of traps, 300, and when those traps expire it does not allow another person to bring those 300 traps into the issue, into the fishery. The bill allows the option for two people, so if there is another person aside from Frank Goodwin who was diagnosed with muscular dystrophy between those years, they have the option to get back into the fishery.

This committee worked for two very, very long sessions, asked every challenging, difficult question you possibly could ask. Mr. Goodwin came down from Bar Harbor to both work sessions and he answered questions that are normally not asked because it is privileged, private information about your medical condition and your home and what's going on in your personal life. But the committee was truly, truly dedicated to do this. The original bill, the Maine Lobstermen's Association came out against, because they were right: it had too many holes in it. This amendment does not have too many holes in it, and so I ask you, Ladies and Gentlemen, to follow the lights of the Majority Report with this amendment. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Mazurek.

Representative **MAZUREK**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I know that's a very touching and moving story and, really, my heart goes out for a person like that, there's no question about it; however, we have about 7,000 lobstermen in the State of Maine. Rockland, as you know, is a very active lobstering area, and I have received many calls every year from various people who, for one reason or another, have unique situations why they can't return to their love of the sea and go lobstering. I have to tell them that the laws are there and I cannot make a special law for one person. Well, I guess we can. I didn't realize that we had this ability. Where do we stop, is the question that was asked to me by many of the lobstermen in my region. Where do we end? Do I come up, can I get a special license, can my friend get a special license? We are opening up a can of worms. We're setting a very bad example, a very bad precedent in doing this. I just think we should be aware of what we're doing as a legislative body here if we establish a law for one individual case. It's not going to end there in the future, because we're going to hear of

many tragic and heart rendering stories. Are we going to have a law for every one of those? So it's a tough decision, I understand that. I appreciate the effort that the committee went in; however, I also heard from many, many lobstermen in my area who were opposed to this. 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. I remember hearing from the good Representative from Lewiston, Representative Rotundo, saying don't draw your line in the sand too quickly because sometimes you'll be sorry that you did, and that was talking about budget issues. But the reality is I probably had, at least in my own mind, drawn a line in the sand because I too very strongly feel that we have to protect the Limited Entry Program we have in the state for our lobster fishermen. Failure of the lobster fishery to thrive could have devastating impact on our state, but—but—this is a unique situation. While unusual, it is not unheard of that this Legislature might act in a private and special way to help one citizen. We heard Mr. Goodwin; we are the Marine Resources Committee for the State of Maine, it is our job to defend our fisheries and protect the interests, and I take that very seriously. Having said that, this gentleman qualified, in my opinion, in a way that was incredibly unique. The gentleman was diagnosed with muscular dystrophy at a time when we did not have limited entry. If Mr. Goodwin had recovered his health during a time when we did not have limited entry, he could have walked right back into the fishery. That was not the case. This is an ongoing, long-term illness that this gentleman has suffered through. Now he is capable and our laws don't allow him entry. To me, this was a case, am I worried about a slippery slope for opening the door to thousands; no, because we recognize the significance of limited entry. This was an opportunity, one time, to help this one gentleman who truly was abused by the laws that we have put in place, not by any intentions of his own. We've limited the number of traps; we said when you're done fishing, it goes away, your traps go away, they will not be in the pool, as Representative Percy has already stated. I, too, received calls from some of my fishermen, and, by the way, I also attended the Zone B Lobster Council meeting just this week, and they once again reiterated to me their support for Mr. Goodwin and recognized that the law that we created is so narrow and so defined, it can only affect up to one other individual between now and September 1, 2010, and it goes away forever, or at least until we find the need to create a special exemption for somebody else, somewhere else, some other time. We don't have a lot of time to do that as we try to protect our fisheries. I think you'll find it highly unlikely that it will be done again. This is the first time in three years that I've been here that we've had this discussion, in a sense that we thought we really should help this gentleman. He wants to be a fisherman; I want to see him on the water fishing. Thank you, Ladies and Gentlemen. I hope you'll support the Majority Ought to Pass as Amended Report.

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

Representative **WEAVER**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. My fellow committee members have described the situation very well. You put us on these committees, you ask us to make the decision. We worked hard, hours after hours after hours, to get this done. We expect you to support our decision, and, believe me, we took it very seriously. I ask you to support the Majority Report.

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

Representative **MacDONALD**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I rise in support of the Majority Ought to Pass motion. With regard to the slippery slope argument, I know that's a danger, but I can tell that in our committee, already in this session alone, we've rejected several other similar bills that looked for a special treatment of one kind or another. This bill was so compelling that we made an exception. In the majority of the cases, we have rejected other exceptions that were requested. This was a special case. You would have had to sit through the hours of testimony to probably really fully understand it, but I ask you to accept the Majority Report because we have sat through it, have listened and have looked at it, and think this merits special consideration. I, for one, was moved not only by the personal problems, the illness that this person had, but also by the fact that the fellow fishermen in his community, 82 of them, supported him and signed a petition, sent it to us, asking us to support him. That's unusual. That is very unusual, very compelling. I ask you to support the Majority motion. Thank you, Madam Speaker.

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

Representative **PRESCOTT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Our committee worked diligently on this bill. We heard every possible detail and considered all the possibilities and carefully considered the end result. This is a narrowly crafted bill. It allows an exemption for someone whose story deserves a yes vote, Representative Eaton is dead on. As a member of the Marine Resources Committee, I will be supporting this bill, because there are exceptions to every rule and this is one of them. This is about righting a wrong. Please follow my light, as many of my Marine Resources' colleagues will be doing as well. Thank you.

The SPEAKER: The Chair recognizes the Representative from Phippsburg, Representative Percy.

Representative **PERCY**: Thank you, Speaker Pingree. Ladies and Gentlemen of the House. I just wanted to clarify one point; I just got a note from somebody. When the department and the Legislature created the existing exit ratio program, they included medical exemptions, so now, for instance, when somebody comes to you and they are sick, there is a process to allow them to remain in the entry. So that was taken care of when the bill, the legislation came through in the late 90s. The window of opportunity was not available for Mr. Goodwin, so for those of you who have fishermen, medical exemptions, medical challenges are dealt with in the current system. 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. 55

YEA - Adams, Austin, Ayotte, Beaudoin, Beaulieu, Beck, Berry, Bickford, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Burns, Butterfield, Cain, Campbell, Carey, Casavant, Cebra, Celli, Chase, Clark H, Clark T, Cleary, Cohen, Connor, Cornell du Houx, Crafts, Crockett J, Crockett P, Curtis, Cushing, Davis, Dostie, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Eves, Finch, Flaherty, Flemings, Fletcher, Flood, Fossel, Gifford, Gilbert, Giles, Goode, Greeley, Hamper, Hanley, Harlow, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Johnson, Jones, Joy, Kaenrath, Kent, Knapp, Knight, Lajoie, Langley, Legg, Lewin, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, McCabe, McFadden, McLeod, Miller, Millett, Morrison, Nass, Nelson, Nutting, O'Brien, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Pinkham, Piotti, Plummer, Prescott, Priest, Rankin, Richardson D, Robinson, Rotundo, Russell, Sarty, Saviello,

Schatz, Shaw, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tilton, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Weaver, Webster, Wheeler, Willette, Wright, Madam Speaker.

NAY - Beaudette, Browne W, Cotta, Dill, Kruger, Mazurek, McKane, Richardson W, Welsh.

ABSENT - Cray, Fitts, Pendleton, Pratt, Rosen, Sanborn.

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

136 having voted in the affirmative and 9 voted in the negative, with 6 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-217)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 7, 2009.

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought Not to Pass** on Bill "An Act To Make Certain Changes to the Laws Regarding E-9-1-1 Surcharge Collection from Prepaid Wireless and Voice over Internet Protocol Providers"

(H.P. 540) (L.D. 789)

Signed:

Senators:

HOBBS of York

BOWMAN of York

Representatives:

BLANCHARD of Old Town

DOSTIE of Sabattus

FLAHERTY of Scarborough

HINCK of Portland

FLETCHER of Winslow

FITTS of Pittsfield

WAGNER of Lyman

VAN WIE of New Gloucester

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-202)** on same Bill.

Signed:

Senator:

SHERMAN of Aroostook

Representatives:

THIBODEAU of Winterport

ADAMS of Portland

**READ.**

Representative HINCK of Portland 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.

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

HOUSE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (4) **Ought to Pass** - Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Eliminate the Regional Wage Adjustment Applied to Nursing Homes

(S.P. 392) (L.D. 1058)

Which was **TABLED** by Representative PIOTTI of Unity pending **ACCEPTANCE** of either Report.

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

## CONSENT CALENDAR

### First Day

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

(S.P. 339) (L.D. 889) Bill "An Act To Limit Liability for Certain Noncommercial Aviation Activities" Committee on **JUDICIARY** reporting **Ought to Pass**

(S.P. 73) (L.D. 223) Bill "An Act To Ensure That the Money Received from the Surcharge on Registration of Pet Food Is Used for the Sterilization of Animals" (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-68)**

(S.P. 229) (L.D. 614) Bill "An Act To Improve Child Support Collection Procedures by Changing the Process of Modifying a Support Order" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-105)**

(S.P. 290) (L.D. 743) Bill "An Act To Exempt Fuel Used by Commercial Fishing Vessels from the Sales Tax" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-102)**

(S.P. 311) (L.D. 803) Bill "An Act To Authorize an Active Retired Justice or Judge To Conduct Arbitration and Chair Medical Malpractice Screening Panels" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-106)**

(S.P. 403) (L.D. 1085) Bill "An Act Concerning Dispute Resolution in Home Construction Contracts" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-107)**

(S.P. 434) (L.D. 1186) Resolve, To Facilitate the Creation and Expansion of Certain Business Sectors Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-101)**

(S.P. 441) (L.D. 1193) Bill "An Act To Establish Uniform Protocols for the Use of Controlled Substances" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-108)**

(H.P. 452) (L.D. 638) Bill "An Act To Exempt Snowmobiles Operated at Demonstration Events from the Requirement of a Maine Registration" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-234)**

(H.P. 560) (L.D. 824) Bill "An Act To Require a Moose Permit Lottery for Residents Who Have Never Had a Moose Permit" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-235)**

(H.P. 700) (L.D. 1012) Bill "An Act To Establish the Maine Broadband Commission" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-229)**

(H.P. 769) (L.D. 1114) Bill "An Act To Facilitate the Marketing of Power Produced by Small Generators" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-226)**



(H.P. 810) (L.D. 1171) Bill "An Act To Institute Voluntary Emissions Standards for Outdoor Wood Boilers" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-228)**

(H.P. 949) (L.D. 1348) Bill "An Act To Provide Grants to Public Educational and Municipal Entities for Feasibility Studies of Renewable Energy Projects" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-227)**

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

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(H.P. 854) (L.D. 1234) Bill "An Act To Regulate the Use of Traffic Surveillance Cameras" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-225)**

On motion of Representative PIOTTI of Unity, was **REMOVED** from the First 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.

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#### CONSENT CALENDAR Second Day

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

(S.P. 65) (L.D. 179) Bill "An Act To Clarify Expenditures and the Use of Department-generated Revenues within the Department of Inland Fisheries and Wildlife" (C. "A" S-96)

(S.P. 131) (L.D. 367) Bill "An Act To Reduce the Amount of Plastic Introduced into the Waste Stream" (C. "A" S-97)

(S.P. 402) (L.D. 1084) Resolve, To Improve Continuity of Coverage for Participants in Medicare Advantage Plans (C. "A" S-94)

(H.P. 267) (L.D. 331) Bill "An Act To Clarify the Duties of Municipal Treasurers, Clerks and Tax Collectors"

(H.P. 190) (L.D. 236) Bill "An Act To Establish the Permanent Commission on the Status of Women" (C. "A" H-215)

(H.P. 260) (L.D. 324) Bill "An Act To Allow Limited Information Sharing in Domestic Violence Cases" (C. "A" H-213)

(H.P. 308) (L.D. 420) Bill "An Act To Amend Certain Laws Related to the Department of Agriculture, Food and Rural Resources, Division of Quality Assurance and Regulation" (C. "A" H-224)

(H.P. 316) (L.D. 428) Bill "An Act To Amend the Intestate Succession and Wills Laws Concerning Wrongful Death" (C. "A" H-212)

(H.P. 385) (L.D. 540) Bill "An Act To Promote Forest Certification and Long-term Forest Management" (C. "A" H-209)

(H.P. 437) (L.D. 623) Bill "An Act To Provide the Office of Chief Medical Examiner Access to Controlled Substances Prescription Monitoring Program Data for the Purpose of Conducting Cause of Death Investigations" (C. "A" H-203)

(H.P. 494) (L.D. 711) Bill "An Act To Authorize the Social Work Education Loan Repayment Program" (C. "A" H-218)

(H.P. 562) (L.D. 826) Bill "An Act To Protect Recreational Trails on Private Land by Exempting Certain Information on Recreational Trails from the Definition of 'Public Records'" (C. "A" H-211)

(H.P. 605) (L.D. 874) Bill "An Act To Amend the Laws Governing Axle Weights" (C. "A" H-223)

(H.P. 714) (L.D. 1039) Bill "An Act Concerning Advanced Directives To Give Effect to a Person's End-of-life Health Care Decisions" (C. "A" H-210)

(H.P. 736) (L.D. 1069) Resolve, To Encourage Access to Higher Education for Certain Child Care Providers (C. "A" H-221)

(H.P. 738) (L.D. 1071) Bill "An Act To Add a Member to the Advisory Council on Health Systems Development" (C. "A" H-204)

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

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(H.P. 599) (L.D. 868) Bill "An Act To Rename the Division of Deafness within the Department of Labor"

On motion of Representative HAYES of Buckfield, was **REMOVED** from the Second Day Consent Calendar.

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

The Bill was **READ ONCE**.

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

Representative HAYES of Buckfield **PRESENTED House Amendment "A" (H-238)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Buckfield, Representative Hayes.

Representative **HAYES**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. This is a technical amendment being offered on behalf of the Committee on Bills in Second Reading in order to prevent a conflict. Thank you.

Subsequently, **House Amendment "A" (H-238)** was **ADOPTED**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-238)** and sent for concurrence.

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(H.P. 335) (L.D. 447) Bill "An Act To Allow the Direct Sale of Shellfish to Retailers" (C. "A" H-216)

On motion of Representative PERCY of Phippsburg, 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.

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 Establish the Crime of Motor Vehicle Violation Resulting in Death"

(H.P. 329) (L.D. 441)  
(C. "A" H-78)

TABLED - April 16, 2009 (Till Later Today) by Representative HASKELL of Portland.

**PENDING - PASSAGE TO BE ENGROSSED.**

On motion of Representative MAZUREK of Rockland, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-78)** was **ADOPTED.**

The same Representative **PRESENTED House Amendment "A" (H-185)** to **Committee Amendment "A" (H-78)** which was **READ** by the Clerk and **ADOPTED.**

Representative DAVIS of Sangerville **PRESENTED House Amendment "B" (H-207)** to **Committee Amendment "A" (H-78)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Sangerville, Representative Davis.

Representative **DAVIS:** Thank you very much, Madam Speaker. This amendment changes this bill in just one way. As you recall the debate two weeks ago, this bill is an infraction. My amendment changes this bill to a crime; it makes us charge a crime. I remember when infractions took place; I was in the State Police then. Infractions were established in the law to make it easier for the state and the courts, and it has done so. Minor infractions are taken care of easily. The burden of proof is different, only the preponderance of the evidence or it's more than likely to have happened than not. There's a burden of proof that has to be done with an infraction. With a misdemeanor, it is beyond a reasonable doubt. With an infraction, one does not have a jury trial. That's true one doesn't have a jury trial, you have a trial in front of a judge. The penalties with infractions are less, usually; however, with this proposal, the infraction calls for a four year loss of license and a \$5,000 fine. I feel that's severe, I feel that's harsh. Also, I feel that the offense that has taken place is harsh, someone has died. It's a serious matter and it's beyond an infraction. I believe it should be a crime. I believe this amendment will make it that way, I know it will. The seriousness of this and the seriousness of the offense, I think the defendants should have all of their rights, the 6th Amendment rights, the 14th Amendment rights, and they should face the consequences of what has happened in a very serious manner.

Two weeks ago now, time passes very quickly, after we had our debate, I went back home and I went down to Dover-Foxcroft, and I attended a domestic violence meeting and my local district attorney was there and I told him about this. I have known him for a long time and we've shared a lot of different things over the years, and he told me pretty much what I'm telling you. He felt that it was very serious, that it should be considered serious, and he felt that the penalties perhaps were too harsh for it to be an infraction. It's real simple, folks. I think it should be a misdemeanor instead of an infraction, that's the only change I have. I certainly don't think for one second that the seriousness of their crime isn't there. I'd ask you to vote for my amendment

and restore the seriousness of this offense, and also restore the rights of the dependent. Thank you very much.

Representative HASKELL of Portland moved that **House Amendment "B" (H-207)** to **Committee Amendment "A" (H-78)** be **INDEFINITELY POSTPONED.**

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. This debate will give you a sense of what happened in committee as we began to look at this bill and where the penalty ought to fall for the behavior that's identified in this crime, in this bill. What I would remind the good Representative from Sangerville, who has become a close friend of mine in our seating proximity, we've had many discussions about this. Yes, the penalties that can be provided are serious, but if you'll note in the bill you'll see that it is up to \$5,000, and now with a committee amendment with House Amendment "A", it's between 14 days and 5 years. What we are doing here is providing discretion to our DAs and our judges for this series of behaviors that falls within the infraction that we are attempting to put into place here. We already do have a crime established on our books, it's vehicular manslaughter. If the behavior is as knowing and a person is as culpable, as the good Representative has indicated, that person can be charged for the crime of vehicular manslaughter, and that crime does go forward. However, there was clearly a hole in our law, when the cases came in front of some of the judges and DAs, where there wasn't a good sanction for those individuals. This bill provides that sanction for those individuals, and we heard many of the victims and many of the victims' families who didn't want the individual who had actually, and as I said, these were victims' families, didn't want the perpetrator to be charged with vehicular manslaughter, but also didn't want to get them off with nothing. So what we provided for here was a civil violation, and specifically this gives the judges the opportunity to, for instance, order community service. This was a significant request from those people who had been wronged by folks with these deaths that had occurred during motor vehicle accidents. So the DAs, obviously not all of them, but the DAs who come in front of our committee and represent the organization and the defense attorneys who come in front of our committee, worked on this bill and this is the compromise that they came to, and I feel very strongly that we should be supporting it, and I would ask you to vote in favor of the Indefinite Postponement of House Amendment "B", to go forward and Accept the Majority Committee Report. Thank you.

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

Representative **CELLI:** Thank you, Madam Chair. Men and Women of the House. I'm a little confused about this because, as my father used to say, nobody is perfect but that shouldn't stop you from trying to be the first. Is anyone in here a perfect driver? How many of us have made mistakes driving, and maybe just a minor mistake, but maybe you back into someone and that someone has brittle bones, they break their neck and die, and you're going to be charged with a crime for a mistake? I can see charging them if there is negligence, they have drugs in their system, alcohol, but because they made a mistake? I think we're going down a wrong path here. Thank you.

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. There has been a lot of discussion, a lot of debate, but I think we've come to pretty much an agreement as to the need for this statute.

It does fill a gap; it does have a causation affect that will be guided under the definition of Title 17-A, so there will be a nexus, so I think we've gotten over that hump. A person would not be charged with this violation for an accident, a mistake. It would be for something that rises far beyond that level, but it doesn't rise to the point of a gross deviation of gross negligence. I agree with my colleague from Sangerville that this is an important, important law, and is an important penalty, and it needs to have the opportunity, for those that are charged with it, to go before a jury, if they ought to do so. I was comfortable, to a degree, supporting Amendment "A", but Amendment "B", to me, gives that extra safeguard that is necessary when you charge somebody with a serious offense like this. We're talking about a Class D misdemeanor, we're not talking about a Class A felony, Class D misdemeanor which allows a person to have the right to a jury trial before their peers and, if the evidence is there, to make this causation, make this connection, they'll be convicted; if not, they'll be acquitted. So I would urge you to support Amendment "B". Thank you.

The SPEAKER: The Chair recognizes the Representative from Sangerville, Representative Davis.

Representative DAVIS: Thank you, Madam Speaker. Very briefly, I agree with the Chair of the Criminal Justice Committee: there is a hole in the law. In fact, I cosponsored the original bill which made it a misdemeanor; it didn't have this infraction business in it at all. The other thing that I didn't tell you, the DA, the other night, told me that this is going to be a wonderful place for plea bargaining, that they would plea bargain it down and people would have a choice of a fine or a far more serious offense. He wasn't in favor of it at all. Madam Speaker, I'd ask for a roll call.

Representative DAVIS of Sangerville **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-207) to Committee Amendment "A" (H-78)**.

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 Augusta, Representative Crockett.

Representative CROCKETT: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. As you probably already know, LD 441 started out as a bill for a Class D crime, and, just as the good Representative from Sangerville said, he was a cosponsor, he was a cosponsor on the bill that I'm the sponsor of. But like many bills that go before committees, the committee did work very hard and they came up with a compromise, and the compromise was worked out with the district attorney and the opposing attorneys, and I ask you to please vote for the compromise, vote for the Indefinite Postponement of this amendment. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "B" (H-207) to Committee Amendment "A" (H-78). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 56**

YEA - Adams, Beaudette, Beaudoin, Beck, Berry, Blanchard, Blodgett, Bolduc, Bryant, Butterfield, Cain, Carey, Casavant, Cleary, Cohen, Connor, Cornell du Houx, Crockett P, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Finch, Flaherty, Flemings, Gilbert, Goode, Hanley, Harlow, Haskell, Hayes, Hill, Hinck, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Kruger, Lajoie, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Mazurek, McCabe, Miller, Morrison, Nelson, Nutting, O'Brien, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Piotti, Priest, Rankin, Rotundo, Russell, Schatz, Shaw, Sirois, Smith, Stevens, Stuckey, Sutherland,

Therault, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Austin, Ayotte, Beaulieu, Bickford, Boland, Briggs, Browne W, Burns, Campbell, Cebra, Celli, Chase, Clark H, Clark T, Cotta, Crafts, Crockett J, Curtis, Cushing, Davis, Edgecomb, Fletcher, Flood, Fossel, Gifford, Giles, Greeley, Hamper, Harvell, Hogan, Johnson, Joy, Knapp, Knight, Langley, Lewin, Martin JL, McFadden, McKane, McLeod, Millett, Nass, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Robinson, Sarty, Saviello, Sykes, Tardy, Thibodeau, Thomas, Tilton, Weaver.

ABSENT - Cray, Eves, Fitts, Pendleton, Pratt, Rosen, Sanborn, Strang Burgess.

Yes, 87; No, 56; Absent, 8; Excused, 0.

87 having voted in the affirmative and 56 voted in the negative, with 8 being absent, and accordingly **House Amendment "B" (H-207) to Committee Amendment "A" (H-78) was INDEFINITELY POSTPONED.**

**Committee Amendment "A" (H-78) as Amended by House Amendment "A" (H-185) thereto was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-78) as Amended by House Amendment "A" (H-185) thereto and sent for concurrence.**

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

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RESOLUTION, Proposing an Amendment to the Constitution of Maine Regarding Early Voting

(S.P. 114) (L.D. 350)

(C. "A" S-35)

TABLED - April 16, 2009 (Till Later Today) by Representative TRINWARD of Waterville.

PENDING - **FINAL PASSAGE.**

Representative TRINWARD of Waterville **REQUESTED** a roll call on **FINAL PASSAGE.**

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 Waterville, Representative Trinward.

Representative TRINWARD: Thank you, Madam Speaker. I wish to bring everyone's attention to this vote today that we're about to take. It's coincidental that it happens to be on the same day that we earlier spoke to the Municipal Clerks Week. We acknowledged the dedication and accomplishments of municipal clerks throughout that state, and we sent our appreciation to all the hard work that they're doing for us. I say to you, Men and Women of the House, if you wish to send appreciation to the clerks of the State of Maine, then you will vote for this resolution. This would send this proposal out to the voters of the State of Maine. It would allow early voting, which the clerks have come to us as a first priority. We had a pilot project, participated in three communities of different sizes and places in the state, which was highly successful.

Not to repeat my testimony earlier, I just wish to clarify a few issues: This is not mandatory. Clerks and communities get to opt in to this, they can choose to participate or not. This does not mean that every community in the State of Maine would be having early voting. Many communities do not have the staff, the facilities, or the interest, so they could choose not to. This would just allow the communities that have staff, that have the storage, the locked storage for ballot boxes or machines, and have the

interest would be able to. This would allow this to go to the voters of the State of Maine and let them decide whether they feel early voting would be appropriate. So I ask all of you to consider this as an appreciation to your clerks, voting this out and letting the State of Maine, the citizens of the State of Maine make their decision. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Final Passage. All those in favor will vote yes, those opposed will vote no.

This being a Constitutional Amendment, and a two-thirds vote of the House being necessary, a total was taken.

**ROLL CALL NO. 57**

YEA - Adams, Beaudette, Beaudoin, Beck, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Butterfield, Cain, Carey, Casavant, Clark H, Cleary, Cohen, Connor, Cornell du Houx, Crockett P, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Eves, Finch, Flaherty, Flemings, Gilbert, Goode, Hanley, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Nelson, Kruger, Lajoie, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, Miller, Morrison, Nelson, O'Brien, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Piotti, Priest, Rankin, Rotundo, Russell, Schatz, Shaw, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Austin, Ayotte, Beaulieu, Bickford, Browne W, Burns, Campbell, Cebra, Celli, Chase, Clark T, Cotta, Crafts, Crockett J, Curtis, Cushing, Davis, Edgecomb, 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, Sarty, Saviello, Sykes, Tardy, Thibodeau, Thomas, Tilton, Weaver.

ABSENT - Cray, Pendleton, Pratt, Rosen, Sanborn.

Yes, 93; No, 53; Absent, 5; Excused, 0.

93 having voted in the affirmative and 53 voted in the negative, with 5 being absent, and accordingly the Resolution **FAILED FINAL PASSAGE** and was sent for concurrence. **ORDERED SENT FORTHWITH.**

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HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-139)** - Minority (6) **Ought Not to Pass** - Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Terms for State Senators and Members of the House of Representatives to 4 Years

(H.P. 92) (L.D. 108)

TABLED - April 28, 2009 (Till Later Today) by Representative BEAUDETTE of Biddeford.

PENDING - Motion of same Representative to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

Subsequently, the Minority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-136)** - Minority (6) **Ought Not to Pass** - Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Amend the Legislative Term Limit Laws"

(H.P. 26) (L.D. 31)

TABLED - April 28, 2009 (Till Later Today) by Representative BEAUDETTE of Biddeford.

PENDING - Motion of same Representative to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

Subsequently, the Minority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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SENATE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (S-77)** - Minority (6) **Ought Not to Pass** - Committee on **TAXATION** 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)

- In Senate, 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).**

TABLED - April 29, 2009 (Till Later Today) by Representative WATSON of Bath.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

On motion of Representative WATSON of Bath, the Minority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

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HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-121)** - Minority (6) **Ought Not to Pass** - Committee on **LABOR** on Bill "An Act To Require United States Occupational Safety and Health Administration Training for Government Construction Contracts"

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

TABLED - April 29, 2009 (Till Later Today) by Representative TUTTLE of Sanford.

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

On motion of Representative TUTTLE of Sanford, the Bill and all accompanying papers were **COMMITTED** to the Committee on **LABOR** and sent for concurrence.

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HOUSE DIVIDED REPORT - Majority (9) **Ought Not to Pass** - Minority (4) **Ought to Pass as Amended by Committee Amendment "A" (H-135)** - Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce the Size of the Legislature

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

TABLED - April 29, 2009 (Till Later Today) by Representative BEAUDETTE of Biddeford.

PENDING - Motion of same Representative to **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 oppose the pending Ought Not to Pass motion. The bill, LD 144, is a bill I prepared last summer, and it proposes, as amended now, to reduce the size of the House of Representatives from its longstanding current number of 151 to 131. It does not impact the other body. If we defeat the pending motion and accept LD 144, it will have a positive fiscal impact of \$1.6 million on future biennial budgets, and, although that is a significant benefit, it is not the primary reason for proposing the bill. If we defeat the pending motion, we will be in a position to tell the people of Maine we heard you, we have reacted to you, we recognize that

we too are capable of fulfilling our responsibilities with less of us, just like everyone else in the current economic climate. Only the Legislature can propose a constitutional amendment, and, since reducing the size of the Legislature requires such an amendment, we are the gatekeepers and I believe it is time to open that gate. The pending motion, once again, keeps that gate shut and locked to the concept of reviewing the size of the Legislature and, once again, would prevent the opportunity for our citizens to go to their polls to vote on a proposal this year.

There has never been a more appropriate and meaningful time to bring this matter forward to the people. This is a historic time to reflect on our longstanding policies and structures in state government, of every possible avenue and description, and to ask can we do better, can we do more, can we be better at providing services to our people. It is the time to question all the structures of government, including us. I ask that we defeat the pending motion so we can demonstrate by our actions that we are innovative leaders. We can demonstrate our willingness to change and our willingness to do more with less. It is exactly what the people of Maine want from us. Our leadership is always defined by our actions. Let us, by our actions, demonstrate to the people of Maine that government is willing to listen to them and to change. Let's show that each of us are willing to work harder and represent about 1,000 more people each in our districts. There may be precious few positives to be taken from the First Regular Session of this Legislature. I hope that a defeat of the pending motion and passage of LD 144 could be one of those positive achievements. I'm sure the citizens would see it that way.

I recognize that some legislators have very large districts already and that a reapportionment would certainly increase the geographic size of their districts somewhat disproportionately, and I respect that some of those legislators certainly may not like that. In fact, I believe also, though, that some legislators may like that. I respect the individual decisions that all people will have to make on this bill. I also recognize that some Democrats think that this is a terrible bill for Democrats, but if you are one of those Democrats, perhaps you will take some comfort in knowing that many Republicans think this is a terrible bill for Republicans. But I can suggest to you that the people of Maine probably don't care about that, and I also suggest to you that the people of Maine would strongly support the idea of less legislators, all due respect to all my good colleagues in this hall, thus I don't believe that the issue has particular political party ramifications, it's about people, and we can do the work of this House with 131 members; we often do it with 135 or 140, 145 already.

During the past months in the Appropriations room, here is a small sampling of the government services from which we have demanded significant structural change in reductions: K-12 school funding, vocational rehabilitation, foster homes, Fund for Healthy Maine, private non-medical institutions, elder care, nursing care, hospitals, physicians, mental health services, universities, residential care, assisted living and behavioral health. How could we not consider strong structural change in our Legislature? I ask you this: Are we so special that we should not be looking within our own structure to make appropriate reductions? Are we so vital and special that we don't think this great honor of representation could be handled by some number fewer than 151? We are a citizen's Legislature, and I hope that we can reflect our good citizenry here today.

I do want to take the time to thank the Representative from New Gloucester, Representative Van Wie, for the development of the amended version of LD 144, in his hard work and the collaboration with me on this, and the collaboration of many others who may be speaking on this matter. Thank you, Ladies and Gentlemen of the House. I hope you will defeat the pending

motion so that we can meet one of the key expectations of the people during this Legislature. 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 Chair. Madam Chair, Ladies and Gentlemen of the House. As the good Representative from Winthrop has said, perhaps it is the right time given advances in electronic communication, greater ease of travel, and the economic environment that we find ourselves in today. The amendment of the Minority Report, as the good Representative stated, proposes to reduce the size of the body from 151 to 131 in 2013. The reduction would result in House members representing roughly 1,400 more constituents per district. The anticipated savings would be about \$900,000 in the first year of a legislative session and \$700,000 in the second year of a legislative session, so roughly \$1.6 million per legislative session. One would anticipate some savings in the Revisor's Office also, due to a reduction in the number of bills submitted, or at least one would hope. For the reasons I have mentioned, I have reconsidered my committee vote and will vote no on Acceptance of the Majority Report, and I encourage others to do the same.

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

Representative **MARTIN**: Thank you, Madam Speaker. Members of the House. For those of you who have known me through my legislative career, I have never supported a reduction in the size of the Maine House, but I am now in a position where I feel that we have no choice but to do so and let me explain why.

First of all, we have a changed society. When you start looking at what happens around the country, people that look at us in New England and say, why is the size where it's at. Obviously that was based on a condition at where we're at in the 1820's and not today in 2000 plus. Society has changed.

Secondly, when I take a look at what went through the Appropriations Committee a year ago, when the people of Maine and we asked them on how we're going to solve this \$10 million problem. Ninety-eight percent of the people of Maine who responded to us had one thought in mind: change the size of the Legislature to be more reflective of what the rest of the country has. That is a substantial comment, I think, on the people of Maine, because they do not understand the size that we have.

Some of you may know that I do represent a fairly large legislative district, and then I ended up in the other body representing an even larger size. But because of what we have and the way we communicate today, it doesn't make any difference at all, none whatsoever. It does mean that we'll have a couple more thousand people, maybe, in our legislative districts, but the time has come to send the message to the people of Maine that we are willing to make a change in the size of the Legislature. And not to do that, in my opinion, when we will in effect be coming back to you next with the cuts that the Chief Executive has proposed that are yet unnamed, we will be restructuring state government. There are some departments that won't exist and there will maybe things that you want that may not even be there, so how can we now justify ourselves and continue the size where we're at. We have to let them make that decision, and I frankly think the time has come, so I urge you today to vote no on the pending motion.

The **SPEAKER**: The Chair recognizes the Representative from New Gloucester, Representative Van Wie.

Representative **VAN WIE**: Thank you, Madam Chair. Ladies and Gentlemen of the House. I, too, rise to speak against the pending motion. As a cosponsor of the bill, I was one who suggested the 131 as an alternative to our current size of 151.

Madam Speaker, from my prior work as an agency head, appearing before the legislative committees and my first month as a legislator, I've come to appreciate the tremendous diversity that we have here in the Legislature. With a myriad of issues in committees, this diversity experience and ideas is essential. We need to keep a strong diversity of both rural and urban and with people of different ages and different career background and leanings. This is essential so that our committees have the ability to add real value to bills and legislative oversight of state agencies. So I would be concerned about making the Legislature too small, losing this important diversity.

Unlike others advocating more radical proposals over the year, I don't think there is anything fundamentally wrong with the Legislature. In my view, the size of the other body seems fine. But I do think that 151 representatives, as spoken by others, each representing about 8,500 voters is too many and too expensive for our small state.

Last fall, many of my constituents—Democrats, Republicans and Unenrolled voters—asked me to find ways to reduce the cost of state government. Many suggested reducing the size of the Legislature. No one, I repeat no one seems concerned about reducing their access to their legislator. Ultimately the voters will decide on the constitutional amendment, so they'll have the final say, and with the new U.S. Census coming up, now is an excellent time to propose this change when we're facing reapportionment in a few years.

Going to 131 representatives would increase the number we represent to about 9,800. This would move us from the fifth smallest number all the way up to the sixth smallest number. This is not a radical change. Most states represent between 20 and 30,000 people in their House of Representatives. Yes, we're a rural state with very sparsely populated areas and some of our districts would get a bit larger, but, as others have said, with technology, we can adjust to this change and, again, after reapportionment, our constituents would hardly notice the change. I also submit that as you walked into this chamber with 20 fewer people, we would hardly notice the change. So I submit to you that we should vote Ought Not to Pass and consider the Minority Report. Thank you very much, Madam Speaker.

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

Representative **BICKFORD**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I want to thank Representative Flood and Van Wie both for working so hard on this bill. I was also a mandatory cosponsor of this. There are two points that I want to make, I think, that are really important. One is when those of us who have worked for businesses in the past or managed businesses in the past, we know that when it comes time to tighten the belt when times are tough, you have to streamline and you have to be more efficient. The model of Maine is Dirigo, "I lead", and what a better place to lead than by example right here in the House of Representatives. I want to thank also the good Representative from Eagle Lake, Mr. Martin, for his support on this bill. Thank you.

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 rise in support of the pending motion and I respect very much the words

of those who have come before concerning the urgency of the budget. However, I would like to point out that this is designed, we are designed as a citizen Legislature, and in that way we are probably expected to be larger than those other Legislatures that are smaller, more full time, have larger staffs, and therefore the size of their jurisdictions don't matter as much. Further, the technology that allows them to be more efficient is present in those states to a greater extent than it is in our communities, particularly the ones I serve. So I would hope that we'd be mindful and not get into the end justifies the mean approach to looking at our budget. We've been diluting services that are being funded by the many, by the tax dollars that we used to have. I don't think we should, at the same time, dilute representation to those people who need it in a great way. I just desperately would like to hope that you look at that and support the pending motion, realizing that the extra roads that some of us will have to ride are probably not going to be in any better condition in the next few years, the communications that we need to communicate from town to town will not be any better. I don't think this is the time to make this kind of assessment. Please support the pending motion. Thank you, Madam Speaker.

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

Representative **HINCK**: Thank you, Madam Speaker. I still support the Representative from Winthrop, good Representative Flood, and since I've been diverted, I'm reminded of the rules in this chamber that restrict our conversation of what goes on in the other chamber and also I presume what goes on in the Governor's Office when he uses his pen, so I'm not going to be diverted by that.

What we're discussing here today is the size of the Maine Legislature, and I urge my colleagues to consider the opinion of the majority of citizens in the State of Maine. It's apparent to me, not only in my district but elsewhere, that the majority view is that we could do better with a smaller Legislature, that we could reduce our expenses in general, and I think, at a time when we are going to call on all of Maine to sacrifice, the Legislature should sacrifice. In one respect it could be seen as fairly small, we're not talking about large sums of money; in other ways it is very significant. Just take the issue of how much money is involved. I know that our salaries are quite small and some of the citizens of the State of Maine think that we get paid like sports stars or members of Congress, and, actually, they are generally shocked to know how little we get paid. But of course there are also some benefits, and we have travel money and we have per diems when we need them. But more than that, each legislator causes other expenses has already been mentioned. Those include bills, the paper that lands at our desks, the things that are sent our way. Ultimately, even if we are using electronic communications, electronics, not only is that a significant amount, it will continue as a savings if we act on this every single year from here on in the history of Maine. We didn't change the size of the Legislature for over a century, it may not happen again for a very long time. Now would be a good time to act.

How do we determine if the legislators here can adequately serve their constituents? I think the first place to turn, of course, is to the constituents. They are the ones we're purporting to serve. As I mentioned, I think most of us recognize the constituents ask us to make the Legislature smaller. Now some of us would say we probably know a few things that our constituents don't know about this service, and I think that's true and I don't think it should be ignored, but we ought to stop and give value, give weight to what the message we get in this state from others and consider efficiency.

The other place I would go to determine whether or not we

could do this job is other states. I say, in this instance, we don't look at New Hampshire. It's one of the very few states in which legislators represent fewer people than those of us in Maine. I think my colleague from New Gloucester mentioned we represent the fifth fewest number of any legislators in the country; if we adopted this proposal, it would become the sixth. But the other states are dramatic. I looked at ones approximately our size in area, approximately our size in population. Wisconsin has 99 legislators representing 54,000 people each. This is in the House in each case or the assembly, the lower body. Virginia, it's 100 legislators representing 70,000 people; Oregon, 60 legislators representing 57,000 people; Kentucky, 100 legislators representing 40,000 people; Iowa, 100 legislators representing 29,000 people. California has 80 assembly members and each represents 425,000 people. I found that interesting, so I looked for the largest district in California, in area, and it's the 34th Assembly District. The good Assemblywoman, Connie Conway, represents that district, and it says in a little bio on her that she won an award from her Chamber of Commerce, that she is a relentlessly dedicated public official who demonstrates her integrity by working literally seven days a week. Without exaggeration, she answers her cell phone from dawn to midnight. Of course she does. She represents 425,000 people and she covers a district that's 22,000 square miles. The State of Maine, incidentally, is 30,000 square miles. I point out that example to say that democracy is flourishing elsewhere in this country with legislators representing many, many more people. I personally prefer the way Maine runs its government. I think we've done, historically, a commendable job, I think this Legislature does a commendable job, but I'm suggesting we could make an effort to take some of the efficiency we urge on the rest of the state and bring it home here to the Legislature, reduce our numbers and save a little money, be more efficient. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Harvell.

Representative **HARVELL**: Honored Members. As you guys have probably seen, there is a lot of these votes coming out of State and Local that are quite divided and quite diverse. I had the honor of working with Representative Hayes and my other Representatives on this bill. We've had joint sessions where a university has come into this chamber, where the courts have come into this chamber, and they've said don't cut us, don't cut us, don't cut us. All of our committees are sitting with groups saying don't cut us, don't cut us, and we're having to make these cuts. Every day that we stand up and look in mirror, we can take the lead on this and say we're willing to share the pain. I work at Verso Paper Company when I'm not here, and every single private sector company out there is having to do more with less, and, when Representative Martin stands up, who has one of the largest districts and one of the most years of experience here and he has served in the other body which has roughly four and a half to five times the constituents, and says I can do the job, that we have to serve 1,400 more constituents and set into motion something that will put savings into the future, I think it's something that we should seriously consider. Thank you.

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

Representative **COHEN**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I also rise to urge you to defeat the pending motion. We cannot afford business as usual. I don't need to tell you about the size of our budget deficit, and I don't need to tell you that, to address our dire fiscal circumstances, we need to spend less, and it is imperative that we spend our limited tax dollars as effectively and efficiently as possible. But streamlining and restructuring Maine

government, we can free up critical resources to provide necessary services that we are now struggling to fund, and hopefully reduce our taxes, at some point, and work toward growing the economy. We have a big Legislature. We are all very important and very valuable, but we can still do great work with fewer of us. As you've heard, there will be fiscal savings and those include our salary per diem, health insurance benefits, staff costs, in addition, Clean Election. There are also less tangible savings, some of which you've heard about, including fewer bills, fewer folks talking on bills, potentially even better deliberations because, when you have smaller groups, you can have better deliberations. Also, there might even be savings to the environment: we'd be reducing our carbon footprint, the fewer people who are traveling. As you've heard, these are not onetime savings. These are systemic, year after year.

The proposal before you is a modest one. Come on, Men and Women of the House, you can do it. You can take on a few more constituents. During campaigning, you can knock on a few more doors, make a few more phone calls; your opponent will have to do the same. You can represent a few more folks effectively. In Portland, a district councilor represents 13,000 constituents. Needless to say, I represent far fewer.

As you've heard, this is the best time to take on this streamlining. The census and reapportionment are going to happen regardless, so there should be no additional costs. So I urge you to accept the Minority Report and defeat this motion. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Blodgett.

Representative **BLODGETT**: Thank you, Madam Speaker. Members of the House. I also rise in favor of the Minority Report Ought to Pass. At times when we're asking the citizens of Maine to make big cuts, I think we should look at our own House. I think the compelling reason for me was I went and I googled that we are the eleventh smallest in population and the sixth highest in the number of legislators, ties with Connecticut, and that was the reason I'll be voting in favor of the Minority Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Valentino.

Representative **VALENTINO**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise today feeling very pleased that the committee chair has changed his opinion this morning and has decided to go Ought to Pass on this motion. I will also be voting against the pending motion, because I also feel that we need to do something. We've heard many people this morning talk about this is a very modest step, this is a very small step, this is a symbol to show the people. I challenge you that this is not even enough. Let us take at least this small, modest, incremental step this morning.

Other people have stood saying that they know the House rules on other chambers and other governors. I also know the House rules, Madam Speaker, but I also know that the rules should be applied fairly and appropriately to all members of the House, and, so therefore, I am going to be asking for a little wiggle room. Because last time, when we had a bill on cell phones and we talked about the bill on cell phones, you let the chair of the committee and other members, four members, all talk about a bill that was in committee that had never been reported out which is against the rules. So I'm just going to have a little wiggle room, because I'm going to have a very lengthy debate on another bill, but I want to let you know that this is a very small incremental step. If you want real change, there is real change on a bill coming out of State and Local, and that one is going to be for you. So let's take this small step today, but be prepared. If you want to save real money and you want real change and

you want transparency, efficiency and accountability, vote for this and then be prepared for the next bill that's going to hit you, because that's not a million dollars, that's \$15 million and that's real change, the change that the citizens of Maine are demanding and that one will be before you. Thank you.

The SPEAKER: The Chair recognizes the Representative from Buckfield, Representative Hayes.

Representative HAYES: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. If I could ask this question of each of you individually, I'll ask it now and you can think about your answer: How many of you would do as the prior speakers have suggested and vote against this motion if you could pick the 20 of us that didn't come back? Now think about that. You won't have that opportunity if you vote against the pending motion, but if that has some appeal to you, you may want to consider doing as I'm asking, because I support defeating the pending motion, allowing us then to take up the Minority Report. I am willing to represent or add to the number of constituents that I represent but, more importantly, I'm willing to let them decide. All this does is put this concept out to the voters and let our constituents decide if they want fewer of us, if they can get by. We're not forcing it on them; we're not saying they have to do this. We're giving them the opportunity to choose. So I don't see this as a dilution unless those who are paying the bills choose to be diluted, in which case, I think we should respect their choice. If we don't defeat this motion, allowing the Minority Report to come to the floor, they won't have that opportunity. I would like to quote one of my esteemed colleagues from the other side of the aisle, whose campaign slogan included, make sure I get it right, "doing more with less." I think that is really the challenge that we have here, and I thank Representative Fossel for letting me steal that from him, but this is an opportunity for us to do more with less and I would urge you to defeat the pending motion so that we can get to the Minority Report. Thank you very much, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Alna, Representative Fossel.

Representative FOSSEL: Thank you very much, Madam Speaker. Actually the slogan is "less is more."

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. 58**

YEA - Adams, Boland, Carey, Crockett J, Davis, Fitts, Goode, Harlow, Joy, Kaenrath, Langley, McKane, Morrison, Percy, Pinkham, Rotundo, Schatz, Stevens, Sykes, Tardy, Trinward, Watson, Wright.

NAY - Austin, Ayotte, Beaudette, Beaudoin, Beaulieu, Beck, Berry, Bickford, Blanchard, Blodgett, Bolduc, Briggs, Browne W, Bryant, Burns, Butterfield, Cain, Campbell, Casavant, Cebra, Celli, Chase, Clark H, Clark T, Cleary, Cohen, Connor, Cornell du Houx, Cotta, Crafts, Crockett P, Curtis, Cushing, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Eves, Finch, Flaherty, Flemings, Fletcher, Flood, Fossel, Gifford, Gilbert, Giles, Greeley, Hamper, Hanley, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Johnson, Jones, Kent, Knapp, Knight, Kruger, Lajoie, Legg, Lewin, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McFadden, McLeod, Miller, Millett, Nass, Nelson, Nutting, O'Brien, Peoples, Perry, Peterson, Pieh, Pilon, Piotti, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Russell, Sarty, Saviello, Shaw, Sirois, Smith, Strang Burgess, Stuckey, Sutherland, Theriault, Thibodeau, Thomas, Tilton, Treat, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Weaver, Webster, Welsh,

Wheeler, Willette, Madam Speaker.

ABSENT - Cray, Pendleton, Pratt, Robinson, Rosen, Sanborn.

Yes, 23; No, 122; Absent, 6; Excused, 0.

23 having voted in the affirmative and 122 voted in the negative, with 6 being absent, and accordingly the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**.

Subsequently, on motion of Representative BEAUDETTE of Biddeford, the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The RESOLUTION was **READ ONCE**. **Committee Amendment "A" (H-135)** was **READ** by the Clerk and **ADOPTED**. The RESOLUTION was assigned for **SECOND READING** Thursday, May 7, 2009.

An Act To Provide Tax Relief to Workers Who Lose Their Jobs Due to Business Closure

(H.P. 162) (L.D. 197)

(C. "A" H-118)

TABLED - May 5, 2009 (Till Later Today) by Representative PIOTTI of Unity.

PENDING - **PASSAGE TO BE ENACTED**.

Subsequently the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**CONSENT CALENDAR**

**First Day**

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

(S.P. 309) (L.D. 801) Bill "An Act To Clarify the Rights of Public Employee Unions and Public Employers To Agree through Collective Bargaining To Permit Payroll Deductions for Union Dues or Other Funds" Committee on **LABOR** reporting **Ought to Pass**

(S.P. 418) (L.D. 1127) Bill "An Act To Define Services for Maine Runaway and Homeless Youth" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(S.P. 486) (L.D. 1351) Resolve, To Name the Bridge in Orland the Ralston C. Gray Bridge Committee on **TRANSPORTATION** reporting **Ought to Pass**

(S.P. 15) (L.D. 6) Bill "An Act To Establish a Distracted Driver Law" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-126)**

(S.P. 95) (L.D. 278) Bill "An Act To Bring Equity to the Sea Urchin License Fees" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-123)**

(S.P. 129) (L.D. 365) Bill "An Act To Amend the Laws Governing MaineCare Estate Recovery Undertaken by the Department of Health and Human Services" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-120)**

(S.P. 141) (L.D. 399) Bill "An Act To Increase Child Support Collections" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-121)**

(S.P. 169) (L.D. 466) Bill "An Act To Amend the Limited Liability Company Laws Concerning Management Standards" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-118)**

(S.P. 206) (L.D. 546) Bill "An Act To Ensure Access to Public Information" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-119)**



(S.P. 212) (L.D. 550) Bill "An Act To Protect Maine Residents from Home Fires and Carbon Monoxide" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-98)**

(S.P. 306) (L.D. 792) Bill "An Act To Encourage Small Business Energy Efficiency" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-111)**

(S.P. 379) (L.D. 1015) Resolve, Establishing the Commission To Study the Replacement of Aging and Outdated Long-term Care Facilities (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-116)**

(S.P. 395) (L.D. 1061) Bill "An Act To Improve Maine's Renewable Portfolio Standard" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-124)**

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 Reports**

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act To Create a Speed Limit on Long Lake and Brandy Pond in Cumberland County"

(H.P. 415) (L.D. 577)

Signed:

Senators:

BRYANT of Oxford  
JACKSON of Aroostook  
TRAHAN of Lincoln

Representatives:

CLARK of Millinocket  
EBERLE of South Portland  
WHEELER of Kittery  
SHAW of Standish  
McLEOD of Lee  
SARTY of Denmark  
CRAFTS of Lisbon

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:

Representatives:

SAVIELLO of Wilton  
DAVIS of Sangerville

**READ.**

Representative CLARK of Millinocket moved that the House **ACCEPT** the Majority **Ought Not to Pass** 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 spirit of speed and efficiency and the fact that I am 0 for 5 in debate so far this session, I will quickly say to you that this is simply a pilot project, a two year project. It establishes a speed limit on Long Lake and Brandy Pond; 45 during the day, 25 at night. Any fines or any revenue that's raised goes to the Warden Service and we all know that they need those. The purpose of this bill is to see if we can make a difference on a body of water

with a long history of accidents, complaints and, unfortunately, fatalities. In the spirit of promoting boating safety, I ask for the yeas and nays.

Representative SYKES of Harrison **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: 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. 59**

YEA - Adams, Beaudette, Beaudoin, Beck, Berry, Bickford, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Butterfield, Cain, Campbell, Carey, Casavant, Clark H, Cleary, Cohen, Cotta, Crafts, Crockett P, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Eves, Finch, Flaherty, Flemings, Gilbert, Goode, Hanley, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kent, Kruger, Legg, Lovejoy, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McKane, McLeod, Miller, Morrison, Nutting, O'Brien, Peoples, Percy, Perry, Peterson, Pieh, Piotti, Priest, Rankin, Rotundo, Russell, Shaw, Sirois, Stevens, Strang Burgess, Stuckey, Sutherland, Tardy, Theriault, Thibodeau, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Weaver, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Austin, Ayotte, Beaulieu, Browne W, Burns, Cebra, Celli, Chase, Clark T, Connor, Cornell du Houx, Crockett J, Curtis, Cushing, Davis, Edgecomb, Fitts, Fletcher, Flood, Fossil, Gifford, Giles, Greeley, Hamper, Harlow, Harvell, Johnson, Joy, Kaenrath, Knapp, Knight, Lajoie, Langley, Lewin, MacDonald, McFadden, Millett, Nass, Nelson, Pilon, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Sarty, Saviello, Schatz, Smith, Sykes, Thomas, Tilton.

ABSENT - Cray, Pendleton, Pratt, Robinson, Rosen, Sanborn.

Yes, 93; No, 52; Absent, 6; Excused, 0.

93 having voted in the affirmative and 52 voted in the negative, with 6 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **LABOR** reporting **Ought Not to Pass** on Bill "An Act To Restore Equity to the Maine Public Employees Retirement System"

(H.P. 232) (L.D. 292)

Signed:

Senators:

JACKSON of Aroostook  
GERZOFISKY of Cumberland  
MILLS of Somerset

Representatives:

TUTTLE of Sanford  
CLARK of Millinocket  
THIBODEAU of Winterport  
HAMPER of Oxford  
BLODGETT of Augusta  
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-237)** on same Bill.

Signed:

Representative:

GILBERT of Jay

**READ.**

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

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

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On motion of Representative NASS of Acton, the House adjourned at 1:07 p.m., until 10:00 a.m., Thursday, May 7, 2009.