

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
 39th Legislative Day
 Thursday, May 14, 2009

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

Prayer by Rabbi Darah Lerner, Congregation Beth El, Bangor.

National Anthem by Meaghan Martin, Hollis.

Pledge of Allegiance.

Doctor of the day, Key Stage, MD, FACS, Camden (retired).

The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Reduce Misuse of Woodlands by the Public" (H.P. 370) (L.D. 525)

Bill and accompanying papers **COMMITTED** to the Committee on **INLAND FISHERIES AND WILDLIFE** in the House on May 7, 2009.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-62) AS AMENDED BY SENATE AMENDMENT "A" (S-78)** thereto and **ASKED** for a Committee of Conference in **NON-CONCURRENCE**.

On motion of Representative CLARK of Millinocket, the House voted to **INSIST** and **JOINED** in a **COMMITTEE OF CONFERENCE**.

Non-Concurrent Matter

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 (EMERGENCY)

(S.P. 93) (L.D. 276)
 (C. "A" S-42)

- In House, **PASSED TO BE ENACTED** on April 28, 2009.

- In Senate, **PASSED TO BE ENACTED** on April 29, 2009, in concurrence.

- **RECALLED** from the Governor's Desk pursuant to Joint Order, S.P. 550.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-42) AS AMENDED BY SENATE AMENDMENT "A" (S-138)** thereto in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (H.C. 180)

**STATE OF MAINE
 CLERK'S OFFICE
 2 STATE HOUSE STATION
 AUGUSTA, MAINE 04333**

May 14, 2009

Honorable Hannah M. Pingree

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Pingree:

Pursuant to Joint Rule 310, the following Joint Standing Committees have voted unanimously to report the following items out "Ought Not to Pass":

Education and Cultural Affairs

L.D. 358 Resolve, Requiring the Department of Education To Amend Rules Relating to School Construction

L.D. 1097 An Act To Improve Alternative Organizational Structures by Requiring the Department of Education To Provide Them with Estimated Allocations

L.D. 1129 An Act To Permit Efficient School Districts To Opt Out of Consolidation (EMERGENCY)

L.D. 1141 An Act To Add a Member from Castine to the Board of Trustees of the Maine Maritime Academy

L.D. 1203 An Act To Allow Certain School Units To Reorganize without Meeting Minimum Student Population Requirements without Being Penalized (EMERGENCY)

L.D. 1336 An Act To Preserve School Choice Rights (EMERGENCY)

Inland Fisheries and Wildlife

L.D. 603 An Act To Create Recreational Access to the Unorganized Territories

Insurance and Financial Services

L.D. 103 An Act To Ensure Protection from Harassment for Purchasers of Real Property through Auction

Judiciary

L.D. 1118 An Act To Expand Rights for Maine Families
 L.D. 1209 An Act Regarding the Consent of Minors To Receive Substance Abuse and Mental Health Treatment

L.D. 1216 An Act To Strengthen the Kinship Preference in Child Welfare Residential Placement

L.D. 1188 An Act To Clarify Child Protection Proceedings

L.D. 1192 An Act To Change the Statute of Limitations for Health Care Practitioners

Labor

L.D. 639 An Act Regarding the Computation of Workers' Compensation Rates Based on Past Claims

L.D. 869 An Act To Require the Development of Plans To Achieve the Payment of Livable Wages by State and Local Government Employers

Legal and Veterans Affairs

L.D. 583 An Act Relating to Political Action Committees

L.D. 1448 An Act To Exempt Volunteer Lobbyists from State Disclosure Requirements

Natural Resources

L.D. 837 An Act To Protect Maine's Groundwater
 L.D. 1267 An Act To Establish a Groundwater Withdrawal Program and To Recognize Groundwater as a Public Trust Resource

L.D. 1032 An Act To Ensure That Maine's Electronic Waste Collection and Recycling System Is Self-funded

L.D. 1282 An Act To Protect and Enhance Maine Marine Fisheries

State and Local Government

L.D. 1212 An Act To Clarify the Role of Public Comment in the Agency Decision-making Process

L.D. 1232 Resolve, Establishing a Committee To Study the Legislative Confirmation Process

L.D. 1425 An Act Regarding Payment to Municipal and Quasi-municipal Entities for Emergency Response to Hazardous Materials Incidents

READ and with accompanying papers **ORDERED PLACED ON FILE.**

Taxation

L.D. 744 An Act To Allow a Tax Credit for Tuition Paid to Private Schools

The Following Communication: (S.P. 558)

**STATE OF MAINE
124TH MAINE LEGISLATURE**

L.D. 1217 An Act To Provide an Income Tax Credit for Property Tax Relief

May 12, 2009

L.D. 1251 An Act To Reduce the Cost of Permitting of Business Development

Sen. Justin L. Alford

L.D. 1252 An Act To Create the Maine Fishery Infrastructure Tax Credit

Senate Chair, Joint Standing Committee on Education and Cultural Affairs

L.D. 1385 An Act To Create an Energy Conservation Measures Tax Credit

Rep. Patricia B. Sutherland

L.D. 1146 An Act To Authorize Municipalities To Impose Service Charges to Tax-exempt Property Owned by Certain Organizations Whose Primary Activities Are Not Charitable

House Chair, Joint Standing Committee on Education and Cultural Affairs

124th Legislature

L.D. 1290 An Act To Amend the Law Authorizing the Application of Service Charges to the Owners of Certain Real Property Exempt from Property Taxation

Augusta, ME 04333

Dear Senator Alford and Representative Sutherland:

L.D. 1314 An Act To Reform and Lower Maine Taxes

Please be advised that Governor John E. Baldacci has nominated Andrea Levinsky of Portland for appointment as a Student Member of the State Board of Education.

L.D. 1368 An Act To Broaden and Increase the Sales Tax, Increase the Earned Income Tax Credit and Amend the Application Process for the Circuitbreaker Program.

Pursuant to Title 20-A M.R.S.A. §401 (1), this nomination will require review by the Joint Standing Committee on Education and Cultural Affairs and confirmation by the Senate.

L.D. 1381 An Act To Allow Counties To Provide Property Tax Relief by Enacting a County Option Meals and Lodging Tax

Sincerely,

S/Elizabeth H. Mitchell

L.D. 1426 An Act To Allow Municipalities To Impose a Local Option Lodging or Meals Tax

President of the Senate

S/Hannah M. Pingree

Utilities and Energy

L.D. 334 An Act To Clarify the So-called Dig Safe Law

Speaker of the House

L.D. 597 An Act To Amend the Laws Governing Public Safety Answering Points

Came from the Senate, **READ** and **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS.**

READ and **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

The sponsors and cosponsors have been notified of the Committee's action.

Sincerely,

S/Millicent M. MacFarland

Clerk of the House

READ and with accompanying papers **ORDERED PLACED ON FILE.**

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

ORDERS

On motion of Representative EVES of North Berwick, the following Joint Resolution: (H.P. 1031)

JOINT RESOLUTION RECOGNIZING MAY 15TH AS FIBROMYALGIA AWARENESS DAY

WHEREAS, fibromyalgia is a common and complex chronic pain disorder that affects people physically, mentally and socially; and

WHEREAS, fibromyalgia is characterized by chronic widespread pain, multiple tender points, abnormal pain processing, sleep disturbances, fatigue and often psychological distress that can be extremely debilitating and can interfere with basic daily activities and social interaction; and

WHEREAS, fibromyalgia is a very serious and chronic illness and is known as a syndrome, which is a collection of signs, symptoms and medical problems that tend to occur together but are not related to a specific, identifiable cause and for which there is no known cure; and

WHEREAS, this condition affects an estimated 7 to 10 million people in the United States and many more millions of people worldwide and is more likely to affect women, occurring 9 times out of 10 in women; and

WHEREAS, people living with this condition live with difficulty in performing everyday activities, such as climbing stairs, lifting weight and performing other actions involving physical strain, and with widespread pain in muscles, joints and ligaments; and

The Following Communication: (H.C. 181)

**STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

May 14, 2009

Honorable Hannah M. Pingree

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Pingree:

Pursuant to Joint Rule 310, the Committee on Business, Research and Economic Development has approved the request by the sponsor, Representative Cain of Orono, to report the following "Leave to Withdraw":

L.D. 999 An Act To Streamline the Evaluation of Economic Development Programs

Sincerely,

S/Millicent M. MacFarland

Clerk of the House

WHEREAS, people with fibromyalgia face discrimination in the workplace and from family and friends because so few people are aware of or understand what fibromyalgia is and what its symptoms are; and

WHEREAS, diagnosis of fibromyalgia is difficult and takes an average of 5 years because many of the symptoms mimic those of other disorders, resulting in the average person's spending thousands of dollars in medical bills just to receive a diagnosis; and

WHEREAS, public education is important in order for patients to receive proper diagnosis and treatment; public awareness will help to eliminate the myths about fibromyalgia, improve patient support and encourage research; and

WHEREAS, the National Fibromyalgia Association's community awareness campaign involves an annual National Fibromyalgia Awareness Day, and this year's awareness theme is "Fibromyalgia Affects Everyone" to emphasize the far-reaching effects of this disorder, from broken lives to the economic costs to patients and society; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fourth Legislature, now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to recognize May 15, 2009 as Fibromyalgia Awareness Day in the State, and all citizens are encouraged to support those seeking a cure for fibromyalgia and to assist those individuals and families who on a daily basis deal with this devastating disease.

READ.

The SPEAKER: The Chair recognizes the Representative from North Berwick, Representative Eves.

Representative **EVES**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I present a Joint Resolution today. May 15th is Fibromyalgia Awareness Day. This was brought to my attention by a constituent of mine, as well as a family member that has been diagnosed with fibromyalgia. Fibromyalgia is a complex, chronic pain disorder that affects people physically, mentally and socially. This condition affects an estimated 7 to 10 million people in the United States and many more millions of people worldwide, and it is more likely to affect women, occurring nine times out of ten in women. Public education is important in order for patients to receive proper diagnosis and treatment. Public awareness will help to eliminate the myths of fibromyalgia, improve patient support and encourage research, so I would ask that the House members join me in recognizing this day. Thank you.

Subsequently, the Joint Resolution was **ADOPTED** and sent for concurrence.

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 25)

ORDERED, that Representative Bernard L. A. Ayotte of Caswell be excused April 28 and 29 for legislative business and May 12 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Joan M. Nass of Acton be excused May 7 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Dianne Tilton of Harrington be excused May 12 for personal reasons.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Meaghan Martin, of Hollis Center, who is the recipient of a 2009 Prudential Spirit of Community Award for exemplary volunteer service. This award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated extraordinary commitment to serving their communities. Meaghan is a Distinguished Finalist in this year's program. A senior at Bonny Eagle High School, Meaghan raised \$1,600 for breast cancer research and patient care by soliciting donations and pledges through a website, press releases, letters and telephone calls for her participation in equestrian competitions. Funds raised were donated to the Maine Medical Center Research Institute. We congratulate Meaghan on her receiving this award and thank her for her dedication to her community and State;

(HLS 337)

Presented by Representative HUNT of Buxton.

Cosponsored by Senator DIAMOND of Cumberland.

On **OBJECTION** of Representative HUNT of Buxton, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **HUNT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I'm happy to recognize a very talented young lady, not only for her personal accomplishments but also for her commitment to her community. She is an active participant in school and her town, and recently has been published, and also placed fourth in a national country music singing competition, as we can tell from her stirring rendition of our National Anthem today. I hate to say this as a teacher, you don't want to single anybody out, but, frankly, if we had more people like Meaghan, the world would be a better place. I encourage her to continue serving her community and wish her the best of luck as she moves on to Belmont University, in Nashville, and, speaking from my heart, I'm sure she's going to go very, very far. Thank you very much, Madam Speaker.

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Bill "An Act To Lower the Cost of State Government in the Departments under the Purview of the Joint Standing Committee on Agriculture, Conservation and Forestry"

(S.P. 249) (L.D. 674)

Signed:

Senator:

BRYANT of Oxford

Representatives:

McCABE of Skowhegan

PERCY of Phippsburg

PIEH of Bremen

SMITH of Monmouth

PRATT of Eddington

KENT of Woolwich

O'BRIEN of Lincolnville

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-71)** on same Bill.

Signed:
Senators:
NUTTING of Androscoggin
SHERMAN of Aroostook

Representatives:
GIFFORD of Lincoln
EDGECOMB of Caribou
CRAY of Palmyra

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.

READ.

Representative PIEH of Bremen moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

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

Representative **PIEH**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. This simply was a request from a member of the other body, who is the sponsor of this bill, and, by going in concurrence, we comply with his request. Thank you.

Representative CURTIS of Madison **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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

On motion of Representative PIEH of Bremen, **TABLED** pending her motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers and later today assigned. (Roll Call Ordered)

Majority Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act To Amend the Laws Governing the Maine Economic Improvement Fund"

(H.P. 661) (L.D. 959)

Signed:
Senators:
SCHNEIDER of Penobscot
SULLIVAN of York
RECTOR of Knox

Representatives:
SMITH of Monmouth
WRIGHT of Berwick
MacDONALD of Boothbay
CLEARY of Houlton
MARTIN of Orono
COHEN of Portland
HUNT of Buxton

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

Signed:
Representatives:
AUSTIN of Gray
PRESCOTT of Topsham
GILES of Belfast

READ.

Representative CLEARY of Houlton moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative GILES of Belfast **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 Belfast, Representative Giles.

Representative **GILES**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise today to speak in support of passage of this bill, which let me just give you a little background: This came forward from a member of our House chamber, Representative Tilton, and it's regarding the annual funding that the University of Maine System receives for the Maine Economic Improvement Fund. Just a little history on that fund: The fund was established in 1997 to support research and development within the University of Maine System. Over the years, over \$116 million has been awarded to the campus, the University of Maine System, for this. What has happened during this time though is the funding is primarily going through the University of Maine and two of the larger campuses, and it's not say that this money isn't being well spent; in fact, there are probably a tremendous amount of good work and good projects that have come out of it. However, in trying to keep with a competitive environment and one that is very entrepreneurial, this bill just asks that three percent of this annual amount, which would be around \$440,000 on an annual basis, be set aside to, on a competitive basis, be awarded to our five smaller campuses—those being located in Fort Kent, Presque Isle, Machias, Augusta and Farmington—three percent or it's around \$88,000 per campus. To the University of Maine System's credit, they did, last year, establish a fund for the smaller campuses of \$100,000, but again, in trying to do something that I think would create a better opportunity for these smaller campuses where a tremendous amount of innovative, creative work is going on, I'm rising I support that we would pass this bill that would create an annual 3 percent, or as I said around \$440,000, that would be through the competitive process awarded to applicants from these campuses. Thank you.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative Wright.

Representative **WRIGHT**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I'm asking you to support the Majority Ought Not to Pass, as I was an original supporter of the bill that put this in place 12 years ago, and at that time we recognized that research and development was something that we really needed to bring forth into our state. Originally, the bill was limited; the money was limited to Orono, because we needed to concentrate the funds where it would do the most. Recently, it has gone to the University of Southern Maine campus. We have many requests for research funding, hundreds of millions of dollars of requests every year. Unfortunately we can only fund a very small portion of those. I still believe that we need to focus our funding where it can do the best. Recently money was allocated to the smaller campuses, and that is something that we really do need to look at, increasing the funding at the smaller campuses. However, I believe that the University System is the best one to decide the use of this money and now is not the time, and I please ask you again to accept the Majority Report.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Cleary.

Representative **CLEARY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I also rise

to obviously support my motion that I brought, Ought Not to Pass. I and all of the members of the other body do appreciate what the sponsor, Representative Tilton, brought forward regarding the issue of R and D funding, and, being from Aroostook County, I can sympathize with the sentiment. The will of the committee was Ought Not to Pass for a number of good reasons, and I'll try to explain a little bit of the background here.

This involves the Maine Economic Improvement Fund, which was created by the Maine Legislature in 1997. The concept was introduced by a group of researchers at the University of Maine, who raised awareness of the significant economic growth going on in the regions that invested in research and economic development, and the primary purpose behind it was to be able to tap into some federal funds involving research and development.

There were a number of concerns raised at the public hearing. This has been a focused investment that has allowed R and D at the University of Maine System, and to expand these investments—and that's primarily been at the two campuses—with existing, dedicated graduate programs and existing significant research activities already ongoing. And it does, let's be clear regarding research and economic development; it does take some significant infrastructure to enable this program, including the faculty, students, staff, laboratories and equipment and, also, partnerships with research institutions, companies and the Federal Government.

The current process allows for a very competitive grant program for the other campuses. In the past years, the MEIF funding has supported research in Augusta, Fort Kent, Machias and Presque Isle, and specifically provided the matching funds for grants when it fit the mission of MEIF, and it's a very complex operation to distribute those funds. There is already, existing, a vibrant underground undergraduate research activity being conducted at the smaller campuses, and the MEIF is focused on strengthening R and D, but must maintain critical mass which makes it difficult to peel away a lot of the funds.

This bill will take away funds from the two larger campuses and federal funds are becoming increasingly competitive, and there is no increase in MEIF funds expected this year from this body. We need to focus on awarding funds on a project by project basis and the various institutions have assigned missions. The mission of the smaller campuses is not about research and the System can't afford to expand it beyond what we've done at this point. If the funds are redistributed too much, it will endanger the mission of the Maine Economic Improvement Fund. R and D is a very expensive undertaking, which is why there is a project by project approach. There is a highly competitive award process on the larger campuses, and there is already a lot of unmet need there as well as on the smaller campuses. We've already read about, in the newspapers and otherwise, a number of successes that have come about on the R and D level, on the education and academic level, and this process is a somewhat fragile one, Ladies and Gentlemen of the House, and I'd ask that you support the will of the committee and vote Ought Not to Pass. Thank you, Madam Speaker.

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

Representative **TILTON**: Thank you, Madam Speaker. Madam Speaker, Members of the House. I just wanted to talk a little bit about why I sponsored this legislation. I, first, want to just repeat some numbers for you: \$14.7 million, that's the amount of money that is going to be provided to the University of Maine System from our state's General Fund in this current budget. Eighty percent of that money will go to the University of Maine at Orono and twenty percent will go to the University of Southern Maine, and those campuses have a very rigid and competitive

internal process and they decide how that money is spent.

The second number, Representative Giles already mentioned it but I wanted to repeat it: Over \$116 million has been spent on those two campuses, over the first 10 years of the existence of the Maine Economic Improvement Fund; \$100,000 is the amount divided between the other rural campuses, only four of those actually competed for the fund and they didn't decide how that money was spent on their campuses, the University of Maine decided how that money was spent on their campuses. So the reason I created this bill was out of a sense of fairness, not necessarily fairness to the universities, although that was a part of it, but a sense of fairness to all of Maine. This is called the Maine Economic Improvement Fund, and I agree the university has done tremendous work with their R and D program, but the economic impact happens when that work is moved out into the community and transferred to local businesses and that has been very exciting to see that happen around the Orono and Portland areas. My feeling is why not let that success also have a chance to take root in the rural areas of Maine with the help of the rural campuses, and, yes, they do excellent undergraduate research at many of these institutions, and they do it all without any money from the Maine Economic Improvement Fund which is primarily used to leverage outside research dollars that can go to really help the local economy of an area.

A couple of other things I wanted to mention: The law, what the university has said in the past publicly is that the reason the money only went to Orono and Portland was because the law said it had to go to Orono and Portland. Well, when I thought to introduce this law, I read the original legislation, and in fact it says that it goes to the University of Maine System and its member campuses. There is no mention of any specific campuses, and so I felt that my effort was really just clarifying what the law originally said and ensuring that what it said was actually happening.

Lastly, there is an element of my bill that hasn't really been discussed much and I just did want to bring that up. The legislation also says that the University of Maine System must report back to this body every two years on the activities that were supported with the Maine Economic Improvement Fund. We received a copy of that report on our desks early this year, and I work for an accounting firm, Ladies and Gentlemen, and I was not able to look at that report and find what that \$14 million was spent on. So the other part of the bill simply asks the University System to clarify, through its explanation and its report, exactly what that \$14 million is supporting, and I would have hoped that we would at least have insisted on that. I thank you very much for indulging me, and I appreciate the opportunity to comment.

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

Representative **HUNT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I'm awfully chatty today, I'm sorry. Let's face it: research is expensive, and in order to provide effective research you need a critical mass, and this is about keeping the critical mass together, and this was the way it was explained to the committee by the chancellor. Also, this is a matter of academic process and trusting the judgment of the board of directors at the university. If we start interfering too much in what the university does, it becomes this body's university, not this people's university. So there is very good research going on in all the campuses; the chancellor has agreed to continue funding the other campuses and committed to do so into the future. I think it's important to keep that critical mass. You're not talking about just paying professors and things like that; you're actually building research laboratories and things like

that, and that's not cheap. In order for us to have an effective research university, it's important for us to keep it all together. Thank you, Madam Speaker.

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 Not to Pass on this bill. I think that my major reason is that despite the good intentions of Representative Tilton, who I would thank for bringing this forward, if we were to vote on this bill in a positive way, we would essentially be substituting the judgment of this Legislature for the good judgment of the people, who manage the research and development programs in the University of Maine System at this time. I don't think we have the knowledge or the time or the ability to be able to substitute our judgment for theirs. This essentially would politicize the process by which research and development funds are allocated to projects in this state. I agree that it would be great to have money spread around the state, the stronger the rural universities and colleges become the more that should happen, through the process that the university has established for managing research and development funds. The best economic development bang for the buck will come from the best projects won in a competitive process through the University System, not through us establishing our judgment on how that should work. I urge you to support the Majority Ought Not to Pass based on those reasons. Thank you, Madam Speaker.

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

Representative **GILES**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise just a second time here. Again, this is talking about a very small proportional amount, three percent that would be put out to the five rural campuses, or smaller campuses in this state, about an average of \$88,000. I think this is a fair approach, it's an approach that's long overdue, and I will just say personally, as a mother of a graduate of the University of Maine Farmington, I was very disappointed to hear that any funds, such as this with the name of the Maine Economic Improvement Fund, did not include a campus where my son had attended. Thank you.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Martin.

Representative **MARTIN**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I also rise to support the Majority Ought Not to Pass Report on this. I think that most of the points have been made, but I just wanted to clarify and to reiterate a couple of issues. One is that, if we vote to support the Ought Not to Pass, we are not eliminating the competitive process that already exists in which the University System can bid for a limited number of funds in research and development. One of the things that we've learned is that, while we can throw numbers around like the \$116 million and \$14.7 million, the reality is Maine is way behind the rest of New England and a lot of the country in what we invest in our research and development, and I think that what we have to do is focus and allow those that are doing the research who understand the infrastructure needs, the equipment needs, the significant investment that is required in order for us to compete nationally. We have tremendous research that is going on, not only at the University of Maine in Orono, where I live, in the wood composites and the wind energy system, and we have tremendous research that is going on at our undergraduate research universities and I don't want to take anything away from those, but I think that if we start requiring or mandating that we

start allocating R and D funds to this person and that person, then we begin to water down the effectiveness of the research and development work that we're trying to do to keep Maine on the cutting edge of leading technologies, so that we can lead the nation in renewable energy. I encourage my friends from the House to Ought Not to Pass on this measure.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Browne.

Representative **BROWNE**: Thank you, Madam Speaker. I rise in opposition to this pending motion. I think the smaller, rural campuses are very efficiently run with many effective and timely economic development projects. In the past, very few dollars have been allocated to these rural campuses. The Rural Caucus favors support of all University System campuses, especially those in the outlying areas of the state which, I might add, seem to have a majority of the State of Maine students. So again, I would urge you to defeat this pending motion. Thank you.

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

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-274)** on Bill "An Act To Increase Youth Boating Safety"

(H.P. 829) (L.D. 1204)

Signed:

Senator:

JACKSON of Aroostook

Representatives:

CLARK of Millinocket
 EBERLE of South Portland
 BRIGGS of Mexico
 SHAW of Standish
 DAVIS of Sangerville
 WHEELER of Kittery
 McLEOD of Lee
 SARTY of Denmark
 CRAFTS of Lisbon
 SAVIELLO of Wilton

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

Signed:

Senator:

BRYANT of Oxford

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-274)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Monday, May 18, 2009.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-273)** on Bill "An Act To Require State Employees To Pay 15% of Their Health Insurance Costs"

(H.P. 305) (L.D. 417)

Signed:

Senator:
COURTNEY of York

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

Representatives:
BOLAND of Sanford
BROWNE of Vassalboro
WILLETTE of Presque Isle
HAYES of Buckfield
BEAUDETTE of Biddeford
COTTA of China
CLARK of Easton
HARVELL of Farmington

CONSENT CALENDAR
First Day

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

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

Signed:
Senators:
SIMPSON of Androscoggin
JACKSON of Aroostook

(H.P. 395) (L.D. 557) Resolve, Directing the Department of Agriculture, Food and Rural Resources To Study Potential Uses of a Potato Plant That Is Toxic to the Colorado Potato Beetle Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-275)**

Representatives:
KAENRATH of South Portland
SCHATZ of Blue Hill

(H.P. 662) (L.D. 960) Resolve, Requiring Rulemaking by the Maine Quality Forum Regarding Clostridium Difficile and Methicillin-resistant Staphylococcus Aureus Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-280)**

READ.

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

(H.P. 689) (L.D. 1001) Resolve, Concerning Fitness Programs for State Employees Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-286)**

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-270)** on Bill "An Act To Simplify the Assessment of E-9-1-1 Surcharges on Prepaid Wireless Telecommunications Service"

(H.P. 766) (L.D. 1111) Bill "An Act To Promote Transparency and Accountability in Campaigns and Governmental Ethics" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-282)**

(H.P. 731) (L.D. 1056)

Signed:
Senators:
HOBBINS of York
BOWMAN of York

(H.P. 865) (L.D. 1246) Bill "An Act To Promote Youth Hunting License Sales" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-276)**

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

(H.P. 930) (L.D. 1326) Bill "An Act To Amend the Laws Governing Licensed Financial Service Providers" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-284)**

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-271)** on same Bill.

(H.P. 944) (L.D. 1343) Bill "An Act To Promote Consumer Fairness in Tax Refund Anticipation Loans" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-285)**

Signed:
Senator:
SHERMAN of Aroostook

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

CONSENT CALENDAR
Second Day

Representatives:
THIBODEAU of Winterport
ADAMS of Portland

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

READ.

(S.P. 80) (L.D. 239) Bill "An Act To Eliminate the Repeal Date on Nonhospital Expenditures in the Capital Investment Fund" (EMERGENCY)

(S.P. 422) (L.D. 1131) Bill "An Act To Clarify the Law Regarding the Passing of School Buses by Bicyclists"

(S.P. 182) (L.D. 479) Bill "An Act To Recognize Maine Youth Camps" (C. "A" S-148)

(S.P. 258) (L.D. 683) Bill "An Act To Promote Cost-effective and Broad-based Vision Care for Maine Citizens by Clarifying the Scope of Prescription Authority by an Optometrist" (C. "A" S-147)

(S.P. 273) (L.D. 724) Bill "An Act To Provide Transparency Concerning Operating Expenses for Hospitals" (C. "A" S-149)

(S.P. 307) (L.D. 799) Bill "An Act To Encourage Clean Fuel Vehicle Economic and Infrastructure Development by Extending the Tax Credit" (EMERGENCY) (C. "A" S-143)

(S.P. 316) (L.D. 808) Bill "An Act To Capitalize the Municipal Investment Trust Fund with Municipal Revenue-sharing Resources" (C. "A" S-144)

(S.P. 426) (L.D. 1154) Resolve, To Establish a Study Commission To Review Tax Increment Financing in the Unorganized Territory (EMERGENCY) (C. "A" S-146)

(S.P. 481) (L.D. 1335) Bill "An Act To Exempt from the Sales Tax Meals Provided at Retirement Facilities" (C. "A" S-150)

(H.P. 993) (L.D. 1417) Bill "An Act To Add Unlicensed Assistive Persons with Notations to the Maine Registry of Certified Nursing Assistants"

(H.P. 493) (L.D. 710) Bill "An Act To Allow Denturists To Practice to the Level of Their Educational Training" (C. "A" H-272)

(H.P. 756) (L.D. 1094) Bill "An Act To Enhance Safety at Construction Sites by Regulating Open Trenches" (C. "A" H-269)

(H.P. 765) (L.D. 1110) Resolve, Creating a Commission To Study the Issue of Homeless Veterans in the State (C. "A" H-265)

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

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

Bill "An Act To Amend the Tax Exemption Regarding Leased Property"

(S.P. 205) (L.D. 545)
(C. "A" S-142)

Bill "An Act To Expand the Moose Hunting Season"

(S.P. 351) (L.D. 929)
(C. "A" S-140)

Bill "An Act To Require the Disclosure of Insurance Policy Limits to an Injured Party"

(S.P. 362) (L.D. 979)
(C. "A" S-95)

House as Amended

Bill "An Act To Allow the Direct Sale of Shellfish to Retailers"

(H.P. 335) (L.D. 447)
(H. "A" H-277 to C. "A" H-216)

Bill "An Act Regarding Subrogation of Medical Payments Coverage"

(H.P. 513) (L.D. 754)
(C. "A" H-168)

Bill "An Act To Regulate the Use of Traffic Surveillance Cameras"

(H.P. 854) (L.D. 1234)
(C. "A" H-225)

Bill "An Act To Amend the Laws Governing Games of Chance"

(H.P. 947) (L.D. 1346)
(C. "A" H-267)

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

**ENACTORS
Emergency Measure**

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

(H.P. 190) (L.D. 236)
(C. "A" H-215)

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

Representative BERRY of Bowdoinham **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned. (Roll Call Ordered)

Acts

An Act To Allow Limited Information Sharing in Domestic Violence Cases

(H.P. 260) (L.D. 324)
(C. "A" H-213)

An Act To Clarify the Duties of Municipal Treasurers, Clerks and Tax Collectors

(H.P. 267) (L.D. 331)

An Act To Amend Certain Laws Related to the Department of Agriculture, Food and Rural Resources, Division of Quality Assurance and Regulation

(H.P. 308) (L.D. 420)
(C. "A" H-224)

An Act To Amend the Laws Concerning Wrongful Death

(H.P. 316) (L.D. 428)
(C. "A" H-212)

An Act To Promote Forest Certification and Long-term Forest Management

(H.P. 385) (L.D. 540)
(C. "A" H-209)

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

(H.P. 437) (L.D. 623)
(C. "A" H-203)

An Act To Authorize the Social Work Education Loan Repayment Program

(H.P. 494) (L.D. 711)
(C. "A" H-218)

An Act To Protect Recreational Trails on Private Land by Exempting Certain Information on Recreational Trails from the Definition of "Public Records"

(H.P. 562) (L.D. 826)
(C. "A" H-211)

An Act To Rename the Division of Deafness within the Department of Labor

(H.P. 599) (L.D. 868)
(H. "A" H-238)

An Act To Amend the Laws Governing Axle Weights

(H.P. 605) (L.D. 874)
(C. "A" H-223)

An Act Concerning Advanced Directives To Give Effect to a Person's End-of-life Health Care Decisions

(H.P. 714) (L.D. 1039)
(C. "A" H-210)

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

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

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.

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

TABLED - May 7, 2009 (Till Later Today) by Representative TRINWARD of Waterville.

PENDING - **PASSAGE TO BE ENACTED**.

On motion of Representative TRINWARD of Waterville, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED**.

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-134)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-290)** to **Committee Amendment "A" (H-134)** which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-134) as Amended by **House Amendment "A" (H-290)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-134)** as Amended by **House Amendment "A" (H-290)** thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

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

SENATE DIVIDED REPORT - Majority (8) Ought to Pass as Amended by Committee Amendment "A" (S-100) - Minority (5) Ought Not to Pass - Committee on LABOR on Bill "An Act Allowing Workers' Compensation Benefits for Firefighters Who Contract Cancer"

(S.P. 235) (L.D. 621)

- 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-100) AS AMENDED BY SENATE AMENDMENT "B" (S-151)** thereto.

TABLED - May 13, 2009 (Till Later Today) by Representative TUTTLE of Sanford.

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

Representative DILL of Cape Elizabeth **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 Cape Elizabeth, Representative Dill.

Representative **DILL**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. LD 621 is a bill that would expand workers compensation benefits for firefighters. Let the record be clear: I love firefighters, I have the greatest respect for firefighters, and in my town we have 108 volunteer firefighters protecting the lives of our citizens and our property and, for them, I'm very grateful. I oppose the motion because, if this bill were a study, we wouldn't pass it, because we in the Legislature don't have the money. Instead, this is a bill that transfers the cost of an expansion of benefits from the health insurance providers to our towns. In this day and age when we are reducing revenue sharing, when we are reducing funding to schools, when we are lowering circuit breaker, when we are taking away tree growth, it's just not the time to expand benefits that the proponents of the bill say cost nothing. I say if it costs nothing, then let's have the state pay for it. With all due respect to the proponents of the bill, it may be a worthy cause, but the evidence is that there hasn't been a single claim made on behalf of firefighters for cancer, so there isn't a dire need. Our health insurance, thankfully, covers the majority of our firefighters. Previous Legislatures have recognized the worthiness of firefighting and has expanded benefits for firefighters significantly, and that's a good thing. They have subsidized health insurance; they have an expansion of the statute of limitations; they have rebuttable presumptions in other areas of law; all of those are good things. But I ask, when you look at the fiscal note and it says that the cost of this bill, and you can look at it yourself, it says the cost to our towns will be significant, substantial, so it's certainly difficult to vote against this bill, but I say it's the responsible thing to do and I urge you to follow my light. Thank you.

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

Representative **TUTTLE**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. As you've heard from prior testimony, this bill creates a rebuttable presumption under Maine Workers' Compensation Act of 1992, that a firefighter, who contracts cancer, contracted the disease in the course of their employment as a firefighter. Presently, the onus is on the firefighter to prove that the cancer is contracted in the course of employment. There are a number of states that have such laws, I believe there are 28 other states, and it's working well there. There is a direct link between firefighters and cancers due to the exposure. We had much testimony at the public hearing on that. It is consistent for the worker's comp to cover workplace injuries. This bill will allow firefighters to concentrate on getting well, not worrying about fighting with insurance carriers. There has not been an increase in claims in other states who have such laws.

As many of us know, the many chemicals released during fires, including dioxins, hydrocarbons, formaldehyde and benzene, all of which are known to be strongly suspected as carcinogens. There are long-term effects for the inhaling of chemical-laden smoke and ingesting or absorbing associated matter. Based on actual experience in states having a rebuttable presumption, the cost per claim is substantially less than unsubstantiated figures asserted by the detractors of this bill because the mortality rate of public safety occupations is higher,

producing a significant savings and person annuities for states and municipalities. In other words, firefighters die younger because of the job they do.

If you look at the amended version of the bill, which the committee worked long and hard on, it really changed the original bill which a lot of us, including myself, had some concerns. It says cancer means kidney cancer, non-hodgkin's, lymphoma, colon cancer, leukemia, brain cancer, bladder cancer, multiple melanoma, prostate, testicular cancer and breast cancer, all that have been clearly defined in the studies we got makes a clear link with firefighters. If you look at the amended version of the bill, the amendment, which is the Majority Report of the committee, requires that to be eligible for the workers' compensation benefits, in addition to the presumption established in the bill, the firefighter must have been employed as a firefighter for a minimum of five years and have regularly responded to firefighting and emergency calls. This amendment changes the application of the presumption for retired firefighters who contract cancer from within 20 years to within 10 of the last act of employment, or prior to 70 years of age. The amendment also requires the firefighters can verify that the diagnosis of cancer is not prevalent in the firefighter's blood related family and it's not due to exposures of carcinogens outside the firefighter's employment as a firefighter. This bill is clearly modified from the original bill.

I was a selectman in my community for 10 years, so I really have a concern for municipal areas. I was the first chair of the State and Local Government Committee, when I was serving in the other body. I have a master's degree in public administration of finance. So I feel that the amended version clearly addresses those issues, and I would ask you support the Majority Report.

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

Representative **BURNS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise in support of this bill. The major objections that I've been hearing are coming from Maine Municipal Association, that this is going to drastically increase the costs of our local towns to implement this. I don't believe there's been any evidence put forth to substantiate that. In fact, the evidence would indicate, in 29 other states where this rebuttable presumption is in effect, there has been no increase in costs. In fact, in some instances, there have been a decrease in costs. It may not be related to this particular rebuttable presumption, but I think the evidence is that there is no significant increase. As the good Representative Dill indicated, there hasn't been very many cases, but this is a benefit that will benefit, especially in my community, small towns where volunteer firemen go out day after day, night after night to risk their lives to do something for the community and, if they incur during that action, some carcinogens that causes them to have cancer, this is going to be a benefit that it's going to be very helpful to them, those that are not professional firefighters. I see it as a great benefit, especially to our smaller communities. There are safeguards here that everybody wants to be included in this has to go through a prescreening, they have two years to do that at their own expense, to rule out the possibilities of a preexisting condition. So I think this is a very good bill and I'm going to support it. Thank you.

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

Representative **CAMPBELL**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I stood by these firemen through thick and thin when they were looking to get their health insurance a couple of years ago, and I'll stick with them now and everything that the good Representative

Burns said is right on the mark. These gentlemen put their lives on the line for us every single day. They deserve health insurance and they deserve protection and they deserve to be taken care by workers' comp like anybody else who works for a living. I would ask all of you in this House to please follow my light. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Butterfield.

Representative **BUTTERFIELD**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I certainly didn't get elected to come down here and talk about all the things we can't afford this year, but I'm excited that this is one of the things that we can, and the reason for that is there is simply no evidence whatsoever in any of the 29 states that have passed this that there will be an increased costs, either to the system or to the municipalities. Now I'm not an expert enough on my own to say that. I have no idea how these things are calculated. What I rely on is expert testimony and evidence, and we received a preponderance of that in the committee, and the amended bill that you have before you reflects changes that we made in order to reflect the evidence that we were given.

I thought it might be helpful for folks to hear what the experience has been in some of the other states that have had a law like this on the books for awhile, so I pulled some of the numbers and California, which has 30,000 career firefighters and 33,000 volunteers, they had a total of 45 paid claims a year average for the first three years, that's .07 percent, the active firefighters, and the California system never even had to do an actuarial study after the enactment because it never cost anything. It never cost a dime more than they would have spent otherwise. In Oklahoma, which has 3,420 career firefighters and 9,000 volunteers, in the first six years, they had a total of 22 paid claims for the rate of .03 percent. Nevada, which has a little better than 4,000 total firefighters, had .02 percent. Rhode Island had .02 percent, and Massachusetts had .03 percent.

I have voted against things in committee and I'm sure I'll be voting against things on the floor that I believe in, that I simply believe we can't afford this year because of the financial situation that we're in. This absolutely is not one of those, so I urge you to follow my light and support the motion. Thank you.

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 rise to urge you to vote against the Ought to Pass as Amended bill with the firefighters. Firefighters are a very strong group. They do a lot of good things to the community. They put their lives on the line, I agree. I also agree that when we look at municipalities and their dealings with their unions, they can do that on their own. We don't have to be big brother. Bangor, Portland, Lewiston, Auburn, we all have negotiated rights that we can do with our unions. If they want to put this in their contract, they should do that.

The reason I am not supporting this bill is not because of the ideas behind it. I'm not supporting it because of the 10 cancers they have listed only four of those cancers were presumed to probably be caused by firefighting. The six that aren't are kidney, colon, leukemia, brain cancer, bladder cancer and breast cancer. Breast cancer takes and affects 1 out of every 30 women over 60, so you've already got a 3 percent chance of getting breast cancer just by being a woman. Does it go up if you are a woman firefighter? There is no evidence. But if you drink two to five alcoholic drinks a day and you are a woman, it's going to increase your risk of breast cancer by 1 1/2 times. Sixty to seventy percent of all leukemia cases occur over 50 years old.

So bladder cancer, bladder cancer is caused by a large amount of fried meats and animal fats. When you go for your prescreening are they going to ask you about your diet? Are they going to ask you about what stress levels you have when you're not at work? Firefighting is a rare breed and strong breed and a good breed of people, people that love to take on stress. Stress causes cancer, whether it's at the workplace or not.

They also have second jobs, many firefighters have second jobs. Moonlighting adds a level of uncertainty with the current lack of determinations in other workplaces. There are different chemicals that can cause cancer and that is, for example, they do believe that police have an elevated risk of testicular cancer. Is that our next step? All jobs have inherent risks, and I ask you to vote Ought Not to Pass.

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

Representative **KNIGHT**: Thank you, Madam Speaker. May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **KNIGHT**: Thank you, Madam Speaker. It's been indicated that 28 states now provide this kind of coverage. I wonder if anyone knows how many of those states cover volunteer firefighters.

The SPEAKER: The Representative from Livermore Falls, Representative Knight has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Madam Speaker, I guess in answer to the gentleman's question, I don't know the specific numbers but I know the majority do.

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

Representative **GILBERT**: Madam Speaker, I stand in support of firefighters.

LD 621 provides for the protection of those who may suffer for their dedication to our communities.

Twenty nine states already cover what this bill would do for our firefighters. Those 29 states were also told that their actions would result in an increase in workman's comp premiums to local government. It never happened. We asked for the proof of that statement and another came because they said they couldn't find anything on it.

I represent 5 towns, each with its own volunteer fire department. These volunteers work hard at minimal pay if any. These people and their families don't ask for much from their communities, but they give 100%.

I attended town meetings in all 5 towns of my district. Let me say that no group or organization has the support that firefighters have. Firefighters have wall to wall support in their communities and this House should reflect that support. This House should support our firefighters.

I for one will not turn my back on them. I will not say to them "You knew the risk—it was your choice." No, Madam Speaker, I appreciate firefighters. I stand with firefighters and I support this bill, and I encourage support for the heroes in our own backyards.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Watson.

Representative **WATSON**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Unlike many issues that I might rise to speak on, I happen to know something about this one. I practiced workers' compensation law for the past 30 years or so. While I was in law school, I served on the Editorial Board of Law Review and wrote an article called "What is Wrong with Maine's Occupational Disease Law." One of

things I pointed out as wrong, as with occupational disease law, was the fact that the statute of limitations, which is the period in which you have to file a claim, was so short that a work-related cancer such as mesothelioma, something as you know arises only from the inhalation of asbestos, was impossible to file because the statute of limitations was so short. Now that's later been amended. That was not a benefit granted to asbestos workers, that was a correction of a bad part of law. This, in counterpoint to what my distinguished colleague, the Representative from Cape Elizabeth, pointed out, is not an expansion of benefits to firefighters. This allows a firefighter, who suffered what he believes to be a work-related cancer, to get his foot in the door. In order to prove a workers' compensation claim in the State of Maine and under most states that have a workers' compensation act, the injured employee must prove that the injury arose out of the course of the employment, arose out of the employment and in the course of the employment. It's a two prong test. You've got to prove that there is a causable connection between the work you do and the injury you suffer, and you've got to prove that the injury occurred in the course of your employment and not somewhere else, like a home or wherever.

Firefighters who came to me in my early years of practice with heart attacks. Typically the case was that a firefighter would fight a fire on an August day, hot and heavy, spend three or four hours lugging hoses, inhaling smoke, having his life in danger, high stress levels, go home, have a meal, have a couple of beers, go to bed and suffer a heart attack. When it came to me and said I think my heart attack is related to my work, I would have a very difficult time taking that case, because the event did not arise in the course of his employment. It's very difficult to get a doctor to say to a reasonable degree of medical certainty that the heart attack was causally connected to the firefight because of that gap in time. When Maine wisely inserted a presumption in its workers' compensation law covering firefighter heart attacks, it did so for that very reason. It allowed the firefighter to come in and make his claim, because under law, if he had suffered a heart attack in conjunction with his work, it is presumed that the heart attack was work related. Then, that's not a done deal; he doesn't walk away with benefits. Now the defense, the employer, the insurance company, has the opportunity to rebut that presumption, and rebut it often they can, and they rebut it for many of the reasons pointed out by my friend a few moments ago and those are risk factors. If that firefighter who suffered a heart attack is also a smoker, had high cholesterol levels, or maybe suffered high blood pressure, diabetes, was obese, had other risk factors, had a family history of cardiac disease, if evidence is presented supporting those risk factors, then the fact finder in the case, and nowadays they are called hearing officers, must weigh which side prevails, which side to a reasonable degree of certainty, 51 percent chance or better, is it more likely than not that his cardiac event was associated with fighting the fire or his service as a firefighter or was it associated with other risk factors. So it's not a done deal, it's not a guarantee that a firefighter is going to win a comp claim on a heart attack because there is a presumption in the law. In this case, this presumption does the same thing for cancers that may take a long time to develop, that are very difficult to causally connect to a particular exposure, let alone a career. If a firefighter comes to me now and says I have prostate cancer, I fought fires for 10 years and my doctor says it might be connected, remember, employees under the Workers' Compensation Act must pay their own attorney's fees. I have to say, in good faith, unless you've got a lot more, unless you've got an oncologist, a cancer specialist willing to come in and testify that some specific exposure you had caused your cancer, I

probably won't be able to take that case. It's too expensive to litigate, too big a chance to lose. This just allows, like the firefighter with a heart attack 20 years ago, this just allows that firefighter to get a step in the door. That presumption is just as easy to overcome if the firefighter has other risk factors. Again, pointed out by my friend earlier, the risk factors like things that can show up in a prescreening, second jobs, other exposures. If an asbestos worker has mesothelioma, he might have gotten it in the mine working for the company or he might have got it at home grinding his own brick shoes, back when we had brick shoes that were made primarily of asbestos. There are lots of outside risk factors and the defense—the employer, the insurance company—is certainly willing and capable of presenting evidence of those other risk factors, and the fact finder than must decide the case. This is not an expansion, automatic granting. It's nothing other than allowing a firefighter to come in and make a claim.

Now with regard to rates, you've seen a lot of literature from Maine Municipal Association claiming somehow 7 to 27 percent increase in workers' compensation insurance rates. I hesitate to say that's bogus because I don't know where their statistics come from, but I have represented interested parties in rate filings, workers' compensation rate filings before the superintendent of insurance for many years, and I've seen NCCI, the National Consortium of Compensation Insurers, come in to justify increases in workers' comp rates, both before our reforms and after. The cardiac presumption never raised an eyebrow, because the claims are so few and so easily defended that the cardiac presumption never made a difference in workers' compensation rates. Premiums didn't jack up two years after that presumption went in to effect and they haven't today, and, similarly, in the cases you've already heard from, in other states that have adopted this presumption, they have not seen the rates rise up again either because happily, luckily, fortunately, the cases of work-related cancer associated with firefighters are very, very few. The few that exist, however, are life threatening, and you have a firefighter whose health insurance won't cover it because they believe it's work-related and workers' comp won't cover it because they believe it's not work related, and that guy can't find an attorney to file a claim because he can't afford the litigation, so he suffers in silence. The very few cases, very rare, but they deserve your attention and your support. This is not a mandate, this doesn't do anything to municipalities they're not having to do already, and the facts show in other states that it will not impact workers' compensation rates, whether they're members of a self-insured group, like many Maine municipalities are, or they have outside workers' compensation insurance. Please, it is not an expansion of benefits; it is merely correcting something in the law that would have been included back when the reforms were passed had we even known about those associations. We did not know about associations of a heart attack until it was identified that heavy work, stressful conditions, inhalations of smoke can all bring about a heart attack, and when that medical evidence became available firefighters were assisted in their claims by the amendment of the workers' compensation law that gave them that presumption. Thank you, Madam Speaker.

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

Representative **HARLOW**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I'm not a lawyer and I don't play one on T.V., but I do research. I went to the *Journal of Occupational and Environmental Medicine* and the University of Pennsylvania Medical School, and they emphasized that the firemen are among the healthiest group in the working

community and, consequently, probably less likely to get cancer than most of us. But then they emphasized that they are at an elevated risk of melanoma and skin cancers, leukemia, brain cancer, oral pharynx cancer, stomach and colon cancer. Also, if you don't think smoke causes cancer or causes anything, let smoke go out of your house and your wood stove. So I'm going to be supporting this without any worry at all. Thank you.

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. I rise today at bit torn because I believe one of the primary reasons that we pay our taxes is for the public safety that's provided by the men and women who are in law enforcement and in firefighting and emergency services. But to me, the issue that arises is, we debated this and I'm on the Labor Committee so I heard considerable testimony as the good Representative from Sanford and others did, this is a matter of responsibility. It's not a question of whether we support those who work for us in the field of firefighting; it's a question of what is our responsibility here when we pass legislation.

In the handout that I distributed, on behalf of Maine Municipal, point two indicates that firefighters already have a special rule to file a workers' compensation case alleging cancer. The occupational disease law currently included a three year statute, and that was waived by the Legislature to provide firefighters the special benefit that other Maine workers don't have. I recognize that we can debate the question of cancer, but I don't believe there's many, if any of us, in this room who are prepared or qualified to say what indeed causes cancer, and, when somebody has that, the question is not whether they got it from the job but how do we best respond to them. In that regard, we are now facing the issue of inserting for firefighters the opportunity for workers' compensation coverage for cancer.

If you look at the fiscal note attached to this, it shows it as an unfunded mandate to the municipalities. If you add up the discussions that have gone on in this body and are under consideration before Appropriations, we've reduced general purpose aide to education. We're looking at the circuit breaker, the homestead exemption and other municipal measures that are going to be reduced, which means we are de facto adding costs to the property taxpayers and citizens of the State of Maine. I think we need to weigh very carefully, before we vote on this issue, what costs we're laying on the citizens of the State of Maine.

Before the committee, one of the firefighters, who I want to commend, the professional firefighters have been here working this very hard and they've been very passionate about it, it shows the respect that they have for their brothers and sisters, and I by no means want to show disrespect for that. My vote on this is really related to a concern that came up when I sat with Senator Bartlett and some of the Representatives to try and work out language before we voted in committee. The comment that struck me was they said this is not a perfect piece of legislation, it will not avoid the situation where a workers' comp claim may take six to twelve months before its ratified. My comment to them was could that not potentially be a death sentence for that worker whose waiting for a decisions. They agreed that it would have consequences. So I respond in this manner and ask you to consider this before you vote. We don't pass perfect legislation here, but we do at times pass poor legislation. I would ask you to consider that in deciding your vote on this. Before we vote on this, I think there's additional amendments that should go forward, and I urge you to consider that before you vote. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Berwick, Representative Wright.

Representative **WRIGHT**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I, too, support this bill, but I'm going to speak for somebody that cannot be here today. Just a few short weeks ago, the deputy chief in my town, Brian Beeler, passed away from lymphoblastic leukemia at the age of 59. Brian was involved in firefighting for over 35 years in Maine and New Hampshire. He was a dedicated servant to his communities. He also served in public and private education for many years. He was a safety officer and in charge of fire training for our town. Fortunately, he had another job with the school system, where he had good insurance, he had good coverage. He didn't have to worry about this. But most of the firemen of my towns are all volunteers. Most of them work in the construction industry, because working in a factory is not conducive to answering the call when it comes in the middle of the day or in the middle of the night. These people need to have all the help they can. We have other conditions that have been covered by these laws and have seen no increase in the cost.

As far as the fiscal note is, I believe what it says is it may be a mandate, there may be increased costs. In my short time here, in learning about fiscal notes and mandates is the "may" is very vague. I don't believe that we're going to see an increase in cost. This is the right thing to do, and, for Brian's sake, I vote for this bill.

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

Representative **DRISCOLL**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. As the chairman of Labor, Representative Tuttle from Sanford, had said earlier, the members of the Labor Committee, we had a lot of discussion around this bill, we had a lot of folks who testified with a lot of passion, some who have previously developed cancer and spoke to their stories as to what it was like battling the cancer itself, that they might very well have acquired from their exposures in the workplace but, at the same time, having to worry about how they were going to live and provide for themselves and their families, for the rest of their lives.

Firefighters work in a very uncontrolled environment, although, in most instances, when they're required, they do use respiratory protection; however, the respiratory protection that they use is only as good as the user that's applying it to be used or the conditions under which they're working. Facial stubble, like I've got this morning, I was too lazy to shave; sweat, from working in a heated environment; gaining five pounds over a few weeks, these can all create inefficiencies in the gear that they wear, it can actually break the seal on the level of protection that they have with their self-contained breathing apparatus or whatever type of respiratory device they're using. So necessarily working in these uncontrolled environments with compounds and toxins and carcinogens floating around in the air, it doesn't necessarily give them the protection that they feel that they might be getting at that specific time.

I can just relate personally being an emergency oral nurse; I've taken care of a number of firefighters for differing injuries in the course of their work, and I can tell you the second they step into the door of my emergency room, the whole emergency room is permeated with smoke and a very pungent smell. Usually I put them immediately into our negative pressure room. For one, it contains the awful smell that emits from their clothing, but at the same time, it protects people from the soot and whatever else they're carrying on their body because of the conditions they've been working in. In most cases there is soot all over the place. Even when they have their respiratory protection on, you can see

where the soot has gone and under where their seal is. Many times, under their pants and their groin area, there is also a collection of soot on their body, even though they have their protective clothing on and their breathing apparatus is on.

I think these folks do get exposed to carcinogens, and I feel that this bill that's before us, we worked it heavily in Labor, we narrowed the focus of the bill significantly, and we did add breast cancer. Just to respond to my good friend, the Representative from Auburn, there have been a couple of studies around women. Obviously most of the studies that have been done through the years have been on men because the majority of firefighters are men. There have been a couple of studies—this was put out by Cornell University—in women exposed to formaldehyde, two studies have shown a higher risk of developing or dying of breast cancer, and another around the compound benzene, breast cancer risk was higher in several large-scale studies in women working in jobs exposed to high levels of benzene. So even though there haven't been large studies with female firefighters, I think the chemicals and the agents that firefighters are exposed to, benzene or formaldehyde being two of them, I think there is evidence that there is an increased risk to women of developing breast cancer if exposed to these carcinogens. So I ask my colleagues to support this bill and thank you very much, Madam Speaker.

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

Representative **FOSSEL**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I've been a volunteer fireman for 34 years. I am a prostate cancer survivor. Either there is a real benefit here and there is a real cost and we figure out what that cost is, or there is no real benefit here and this is a feel good bill that's doing nothing. If it's doing nothing, we should vote it down. If there's a real cost to it, we should discover it, acknowledge it and support it on the basis of whether we can afford it. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Cape Elizabeth, Representative Dill.

Representative **DILL**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Just very briefly, to respond to the good Representative from Bath, Representative Watson, I just would suggest, also as a lawyer, that, if on the one hand the good Representative declines cases because of the expenses associated with litigating these claims and we're now shifting that responsibility to our towns, there's a cost. If the towns now have to defend more of these claims and hire medical experts and have the burden of proof, there is a cost.

With the respect to the assertion that there is no evidence of increased costs, I would just note that we, as a state, spend significant resources funding the good people who work in the OFPR office, who study and analyze bills, and their expert opinion, they have attached a fiscal note that states there will be significant statewide costs to municipalities.

In addition, the NCCI that was mentioned, this group of experts, gave a report and, in their opinion, they estimated that LD 621 probably would result in a 7 percent to 27 percent increase for employers of firefighters. So on the one hand they said the system as a whole may not experience a great increase in costs, but for this group of employers, towns who employ firefighters, their costs will increase by 7 percent to 27 percent.

Finally, with respect to the evidence of other experiences in other states, there has been evidence presented by California, one of the few states that took this on at least 10 years ago, so there there's an ability to do an analysis over time. In a group, a pool of workers, of about 5,100 employees, 4,900 of them being firefighters, there were 27 cancer presumption claims at a cost

\$3.5 million. So this may in fact be a heroic thing for us to do as a Legislature in recognizing the great work that our firefighters do. My point and the purpose of my opposition to the bill is simply that we are not taking responsibility for the costs associated with it. Thank you very much.

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

Representative **TUTTLE**: Thank you, Madam Speaker. I apologize, but I will have to respond briefly. There is no statistical data of records of claims that were provided to back up the assertions during our hearing. In the 28 other states that have enacted similar legislation, this is an unsubstantiated claim. It proved to be unfounded and as was pointed out in testimony, the State of Vermont claimed, the Municipal League there claimed an increase in premiums of \$450 per firefighter, if rebuttable presumption legislation was enacted. In fact, workers' compensation rates have decreased for that state in 2009, and it's clear that by passing the law, it did not dramatically increase rates by millions of dollars as was claimed. In the NCCI, the National Council of Compensation Insurance shows that the overall costs to the workers' compensation system is negligible at best, since benefits from the firefighters' class code is such a small portion of the overall system. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Butterfield.

Representative **BUTTERFIELD**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I appreciate your indulgence in my rising a second time on this. I would join my good chair, the Representative from Sanford, Representative Tuttle, in saying to come back at some of what's been said here today. Luckily we have our own experts on our own workers' comp system in this state which is the board and staff of our workers' comp system, who were kind enough, at the request of the committee, to do an analysis of the original bill. Keep in mind this is before we significantly and extensively narrowed everything that we put in, everything that was in the bill, narrowed the applicable cancers, added a length of service requirement, we did a lot of work on this. Their analysis of the original bill said they could foresee and calculated absolutely no cost to the system, and I think most of you have this or, if you don't, we can certainly get it to you. I'd point out, on page 2, they specifically refute the NCCI study that calculated that there may potentially be a 7 to 27 percent increase for employers, and they went through the data and refuted that point by pointing claim by claim. Again, if you don't have this workers' comp board report, we're certainly I think able to get it to you. Thank you.

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

Representative **BICKFORD**: Thank you, Madam Chair. Men and Women of the House. I just wanted to point out one additional fact and that is that on our Labor Committee, when we did hear testimony, most of it really was derived around this one report that we got from a California study. This California study, we have to bear in mind that California uses a lot of different building materials; they have a lot of different building codes; they still have adobe brick buildings in California. So to compare California's data to New England, I don't believe we have enough research done in this area. Thank you.

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

Representative **PIEH**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I, in fact, am not the good Representative from Eddington, Representative Pratt, but he would want all of you to know that he supports this bill.

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

Representative **LAJOIE**: Thank you, Madam Speaker. Members of the House. I am in favor of this bill for many reasons. Number one, I was in fire service for over 30 years and, towards the end of my career, I was the fire chief for 12 years. I've had the opportunity to be on the management side as well as the firefighting side. When I first came in, it was in the 70s, where we didn't have any SCBAs, Self Contained Breathing Apparatus, until the late 70s, I believe, and therefore, we did ingest quite a good amount of smoke and chemicals. Over a period of time, the Bureau of Labor Standards came out with different rules to provide safety for firefighters, and I was very fortunate to be part of an ad hoc committee of firefighter safety. I had a good part in the SCBA, which was the Self Contained Breathing Apparatus, and introducing that to the fire service, as well as other safety procedures. Every single day, throughout the fire service, we're trying to find different means to make it safer; however, we can only make as safe as the call will require, I suppose. We never know when we go out what we are going to respond to. It may be a chemical spill; it may be a fire in a chemical factory; it may be numerous things. When I hire my personnel, I inform them as to the dangers of firefighting. I would also and I'm going to say it soon, and I shouldn't say that because, being in the management team, I do realize that the cities also understand that as well as the towns, whether they want to admit it to not, there is and has been an inherent factor in firefighting that is quite dangerous and, as much gear as you have on and as much decon, which is decontamination after the fact that you go through, being flushed down with water, there is still the opportunity to have those chemicals come in.

The other thing is I want to stress that it's not a local issue or state issue, if you would. This is an international association, a fire chief and International Association of Fire Fighters' issue, and, when I say international, I mean the Canadian folks as well as overseas. So it's not a local issue, and we're trying to address it to the best of our ability to give these individuals an opportunity to be able to get this particular ability to step back into and relate it possibly to the work conditions. Thank you.

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

Representative **DRISCOLL**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Just to address my colleague's concern, Representative Bickford, from Auburn, he was talking about possibly California using different methods of construction and therefore they might have different materials and use with the respect to construction of housing and buildings in California. It's not necessarily what the building itself is made of, it's what is burning or smoldering or being heated with inside the structure that also has an impact on what's being emitted into the air around the structural fire. Just as an example, structural fires have carcinogens such as isocyanide which is generated from polyurethane found in mattresses, sleeping bags, clothing, foam, upholstered furniture and paints. I could through a whole list, but I think you get the idea of what I am trying to spell out here. Thank you very much, Madam Speaker. The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Cushing.

Representative **CUSHING**: Thank you, Madam Speaker, for your indulgence.. Ladies and Gentlemen of the House. I just wanted to refocus the debate here a bit. I spoke earlier about the question of responsibility and the good Representative from Bangor mentioned the workers' comp report, which I happen to have in my folder here, and the numbers that stuck with me from the workers' comp report, from prior claims, indicated that, in Mr.

Minkowski's opinion, the round numbers he was looking at were an average cost, at this point, of about \$10,000 per claim and approximately 100 payments per year. If we want to talk about who is going to ultimately be responsible for this, we're talking about the potential of a million dollars a year here that we're going to visit upon municipalities in the State of Maine, so I ask you to carefully consider that in your decision. The debate, to me, is not a question of whether firefighters may be exposed to cancer or whether those firefighters indeed deserve compensation. The question is, before we go down this road, before we have clearly thought this issue out, we need to determine whose going to pay for this. We're visiting this on our citizens in our districts. Many of these people who are volunteer firefighters, I respect the fact that they are willing to take the time away from their families and their careers to serve their communities, and I think that there is just compensation due to them, but there is also the question of what you do when you impose upon a community an unanticipated cost of this nature. So I thank you for your consideration and for the opportunity to speak to this motion again.

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Berry.

Representative **BERRY**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I rise primarily to respond briefly to the good Representative from Hampden, just by quoting two specific sections of our own Workers' Compensation Board's report. First of all, on page 1: I don't think this legislation would have any particular cost effect for the system as a whole or for municipalities who employ firefighters. And the very last paragraph of the report: the way that the rebuttable presumption for heart attacks, existing one by the way, that we have in Maine has played out over time with firefighters provides no evidence to suggest that a presumption for cancer would open the floodgate to new claims. There is a clear finding in this report, and I do have extra copies of it as well, that we have no reason to expect additional costs by giving firefighters a fighting chance in court and that is truly all it would be.

I ask your indulgence, as well, in hearing a list of some of the substances that our firefighters here in Maine, both volunteers and professionals, are exposed to routinely in the course of duty. As you hear the names of these substances, I ask that you think about the firefighters who went into the World Trade Center after September 11th and who go into trailers here in Maine and who fight fires all over the country, and as you hear these names, many of which are difficult to pronounce, never mind understand, that you consider the dozens, if not hundreds, if not thousands of firefighters who do perish from cancers, from heart disease, as a result of the exposure to these substances: acrylonitrile, asbestos, arsenic, benzene, benzopyrene, various polycyclic hydrocarbons, cadmium, chlorophenols, chromium, diesel fumes, carbon monoxide, various dioxins, ethylene oxide, formaldehyde, orthotoluidine, polychlorinated biphenyls, vinyl chloride. I could go on with this list, I'll end there. But I would conclude simply by suggesting that, even if our Workers' Comp Board is wrong and even if there is a slight cost associated, we should all be willing to go home to our firefighters and tell them that we gave them at least a rebuttable presumption in court. If they're smokers, if they're over 70, they're on their own; they're not going to get their case won in court. But we need to give them a reasonable chance, after having been exposed to these substances, of winning their case and receiving workers' compensation. 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. 76

YEA - Adams, Ayotte, Beaudoin, Beck, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Burns, Butterfield, Cain, Campbell, Carey, Casavant, Clark H, Cleary, Connor, Cornell du Houx, Cray, Crockett J, Crockett P, Davis, Dostie, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Eves, Finch, Flaherty, Flemings, Fletcher, Flood, Gilbert, Giles, Goode, Greeley, Hanley, Harlow, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Kaenrath, Kent, Knapp, Kruger, Lajoie, Langley, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McFadden, Miller, Morrison, Nelson, O'Brien, Peoples, Percy, Perry, Peterson, Pieh, Piotti, Priest, Rankin, Rotundo, Sanborn, Saviello, Schatz, Shaw, Sirois, Stevens, Strang Burgess, Stuckey, Sutherland, Theriault, Tilton, Treat, Trinward, Tuttle, Valentino, Wagner J, Wagner R, Watson, Weaver, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Austin, Beaudette, Beaulieu, Bickford, Browne W, Cebra, Chase, Clark T, Cotta, Crafts, Curtis, Cushing, Dill, Fitts, Fossel, Gifford, Hamper, Johnson, Jones, Joy, Knight, Lewin, McKane, McLeod, Millett, Nass, Nutting, Pilon, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Robinson, Sarty, Sykes, Tardy, Thibodeau, Thomas, Van Wie.

ABSENT - Celli, Cohen, Pendleton, Pratt, Rosen, Russell, Smith.

Yes, 104; No, 40; Absent, 7; Excused, 0.

104 having voted in the affirmative and 40 voted in the negative, with 7 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-100)** was **READ** by the Clerk.

Senate Amendment "B" (S-151) to Committee Amendment "A" (S-100) was **READ** by the Clerk and **ADOPTED**.

Representative DILL of Cape Elizabeth **PRESENTED House Amendment "A" (H-291) to Committee Amendment "A" (S-100)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Dill.

Representative **DILL**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I will be brief. The amendment that I have just offered should appear on your desk, and essentially what it does is it removes two types of cancers for which this rebuttable presumption would apply and those two are bladder cancer and kidney cancer. The reason why I'm suggesting we remove them from the bill is because, the scientific evidence that was used to support the bill in the first place, a report known as the Cincinnati Study or the LeMasters' Study—the formal title is *Cancer Risk Among Firefighters: A Review and Meta-analysis of 32 Studies*—the conclusion of that report was that both bladder and kidney cancer are unlikely caused by firefighting. So they had probable, possible and unlikely, and these two, bladder and kidney cancer, were found by this study to be unlikely caused by firefighting. I suggest that we at least, in my opinion, approve the bill by narrowing it down to those types of cancers that have least been found by the proponents of the bill's own experts to be probable or likely.

The second aspect of the amendment just clarifies when it is that a firefighter is entitled to this rebuttable presumption. The bill says that any time a firefighter's regularly responded to firefighting or emergency calls. Well, as I mentioned, in my town, we have 108 volunteer firefighters and we just don't have all that many fires, thankfully. The amendment just clarifies it and creates a bright line test so a firefighter would just have to

establish that he or she participated in the extinguishment of at least 100 fires, and that way we can, rather than litigate about what it means to be regularly responding to firefighting, we know. If you have participated in 100 fires, you're entitled to the rebuttable presumption; if you haven't, you're not. That makes it, I think, easier for the firefighter and easier for the towns, and I urge your support of this amendment. Thank you.

Representative TUTTLE of Sanford moved that **House Amendment "A" (H-291) to Committee Amendment "A" (S-100) be INDEFINITELY POSTPONED.**

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

Representative TUTTLE: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. Reading the amendment, it mentions extinguished. You know sometimes we don't always extinguish fires, sometimes we let them burn out as a matter of public safety. Also, presently, I'm not aware of we don't keep records of individuals and a number of fires and how do you define fire? Is it a structure fire, a trash can fire? Let's say you go to an average of five major fires per year, under this bill that would take you 20 years to meet this criteria. Unfortunately, I think it guts the bill and the intent of the bill, and I would encourage you to accept the motion to Indefinitely Postpone.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Watson.

Representative WATSON: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I stand in support of the motion of Indefinite Postponement. This is not an improvement or even modification of this bill, this is a poison pill. The requirement of trying to prove that you've engaged in the extinguishment of 100 fires will rule out any number of potential claims because records are simply not kept. Professional firefighters, obviously, can go back to log books and drag them out and find out what fires they participated in, all of that; volunteer firefighters don't do that. As the good Representative from Sanford pointed out, what's a fire? Is it a trash can? I submit to you that one warehouse fire, again, involving furniture that's been treated with deca can cause any number of cancers, and any oncologist will tell you that. So if that firefighter has only extinguished one fire and comes down with cancer, he can't file a claim now because he hasn't extinguished 100 fires. I firmly urge you to support the current motion to Indefinitely Postpone. Thank you, Madam Speaker.

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

Representative CUSHING: Thank you, Madam Speaker. I can appreciate the concern expressed. This was a debate that came up in discussions with the sponsor and representatives of the firefighters' association. I think it's important, though, that it does differentiate between those who may participate as a volunteer in some limited role and may not even respond to fires, who would be covered, and those who actually are due the respect and the support that this bill, I believe, is intended for. I rise to support the amendment and urge you to vote in opposition to the motion to Indefinitely Postpone. Thank you.

Representative DILL of Cape Elizabeth **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-291) to Committee Amendment "A" (S-100).**

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 Indefinite Postponement of House Amendment "A" (H-291) to Committee Amendment "A" (S-100).

All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 77

YEA - Adams, Beaudette, Beck, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Butterfield, Cain, Campbell, Carey, Casavant, Clark H, Cornell du Houx, Crockett P, Dostie, Driscoll, Duchesne, Eaton, Eberle, Eves, Finch, Flemings, Fletcher, Flood, Gilbert, Goode, Greeley, Hanley, Harlow, Haskell, Hayes, Hinck, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Kruger, Lajoie, Langley, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, Miller, Morrison, O'Brien, Peoples, Perry, Peterson, Pieh, Piotti, Priest, Rankin, Robinson, Rotundo, Sanborn, Schatz, Shaw, Sirois, Stevens, Strang Burgess, Stuckey, Treat, Trinward, Tuttle, Wagner J, Wagner R, Watson, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Austin, Ayotte, Beaudoin, Beaulieu, Bickford, Browne W, Burns, Cebra, Chase, Clark T, Cleary, Cohen, Cotta, Crafts, Cray, Crockett J, Curtis, Cushing, Davis, Dill, Edgecomb, Fitts, Flaherty, Fossel, Gifford, Giles, Hamper, Harvell, Hill, Hogan, Johnson, Joy, Knapp, Knight, Lewin, McFadden, McKane, McLeod, Nass, Nelson, Nutting, Percy, Pilon, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Sarty, Saviello, Sutherland, Sykes, Tardy, Thibodeau, Thomas, Tilton, Valentino, Van Wie, Weaver.

ABSENT - Celli, Connor, Millett, Pendleton, Pratt, Rosen, Russell, Smith, Theriault.

Yes, 83; No, 59; Absent, 9; Excused, 0.

83 having voted in the affirmative and 59 voted in the negative, with 9 being absent, and accordingly **House Amendment "A" (H-291) to Committee Amendment "A" (S-100) was INDEFINITELY POSTPONED.**

Committee Amendment "A" (S-100) as Amended by Senate Amendment "B" (S-151) thereto was ADOPTED. The Bill was assigned for **SECOND READING** Monday, May 18, 2009.

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

SENATE DIVIDED REPORT - Majority (8) Ought Not to Pass - Minority (5) Ought to Pass as Amended by Committee Amendment "A" (S-71) - Committee on AGRICULTURE, CONSERVATION AND FORESTRY on Bill "An Act To Lower the Cost of State Government in the Departments under the Purview of the Joint Standing Committee on Agriculture, Conservation and Forestry"

(S.P. 249) (L.D. 674)

Which was **TABLED** by Representative PIEH of Bremen pending her motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers. (Roll Call Ordered)

The SPEAKER: A roll call having been previously ordered, the pending question before the House is Indefinite Postponement. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 78

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

Stuckey, Sutherland, 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, Cebra, Chase, Clark H, Clark T, Cotta, Crafts, Cray, Crockett J, Curtis, Cushing, Davis, Edgecomb, Finch, Fitts, Flaherty, Fletcher, Flood, Fossel, Gifford, Giles, Hamper, Harvell, Johnson, Joy, Knapp, Knight, Langley, Lewin, McFadden, McKane, McLeod, Nass, Nutting, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Robinson, Sarty, Saviello, Sirois, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tilton, Weaver.

ABSENT - Celli, Hogan, Millett, Nelson, Pendleton, Pratt, Rosen, Russell, Smith, Theriault.

Yes, 86; No, 55; Absent, 10; Excused, 0.

86 having voted in the affirmative and 55 voted in the negative, with 10 being absent, and accordingly the Bill and all accompanying papers were **INDEFINITELY POSTPONED** in concurrence.

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

HOUSE DIVIDED REPORT - Majority (10) **Ought Not to Pass** - Minority (3) **Ought to Pass** - Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend the Laws Governing the Maine Economic Improvement Fund"

(H.P. 661) (L.D. 959)

Which was **TABLED** by Representative PIOTTI of Unity pending the motion of Representative CLEARY of Houlton to **ACCEPT** the Majority **Ought Not to Pass** Report. (Roll Call Ordered)

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

ROLL CALL NO. 79

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

NAY - Austin, Ayotte, Beaulieu, Bickford, Browne W, Burns, Cebra, Chase, Clark H, Clark T, Cotta, Crafts, Cray, Crockett J, Curtis, Cushing, Davis, Eaton, Edgecomb, Finch, Fitts, Fletcher, Flood, Fossel, Gifford, Giles, Hamper, Harvell, Johnson, Joy, Knapp, Knight, Langley, Lewin, Magnan, McFadden, McKane, McLeod, Nass, Nutting, Perry, Peterson, Pinkham, Plummer, Prescott, Richardson W, Robinson, Sarty, Saviello, Schatz, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tilton, Weaver, Willette.

ABSENT - Celli, Millett, Pendleton, Pratt, Rosen, Russell, Smith.

Yes, 86; No, 58; Absent, 7; Excused, 0.

86 having voted in the affirmative and 58 voted in the negative, with 7 being absent, and accordingly the Majority

Ought Not to Pass Report was **ACCEPTED** and sent for concurrence.

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

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

(H.P. 190) (L.D. 236)
(C. "A" H-215)

Which was **TABLED** by Representative BERRY of Bowdoinham pending **PASSAGE TO BE ENACTED**. (Roll Call Ordered)

The SPEAKER: A roll call having been previously ordered, the pending question before the House is Passage to be Enacted. All those in favor will vote yes, those opposed will vote no.

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

ROLL CALL NO. 80

YEA - Adams, Austin, Ayotte, Beaudette, Beaudoin, Beaulieu, Beck, Berry, Bickford, Blanchard, Blodgett, Boland, Bolduc, Briggs, Browne W, Bryant, Burns, Butterfield, Cain, Campbell, Carey, Casavant, Cebra, Chase, Clark H, Clark T, Cleary, Cohen, Connor, Cornell du Houx, Cotta, Crafts, Cray, Crockett J, Crockett P, Curtis, Cushing, Davis, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Eves, Finch, Fitts, 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, Kruger, Lajoie, Langley, Legg, Lewin, Lovejoy, MacDonald, Magnan, Martin JL, Mazurek, McCabe, McFadden, McKane, McLeod, Miller, Morrison, Nass, Nelson, Nutting, O'Brien, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Pinkham, Piotti, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Robinson, Rotundo, Sanborn, Sarty, Saviello, Schatz, Shaw, Sirois, Stevens, Strang Burgess, Stuckey, Sutherland, Tardy, Theriault, Thibodeau, Thomas, Tilton, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Weaver, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - NONE.

ABSENT - Celli, Martin JR, Millett, Pendleton, Pratt, Rosen, Russell, Smith, Sykes.

Yes, 142; No, 0; Absent, 9; Excused, 0.

142 having voted in the affirmative and 0 voted in the negative, with 9 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

UNFINISHED BUSINESS

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

SENATE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (5) **Ought to Pass** - Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Amend the Maine Clean Election Act as It Relates to Independent Expenditures"

(S.P. 222) (L.D. 607)

- In Senate, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.
TABLED - May 13, 2009 (Till Later Today) by Representative TARDY of Newport.

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

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

ROLL CALL NO. 81

YEA - Adams, Beaudette, Beaudoin, Beck, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Butterfield, Cain, Campbell, 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, Kruger, Lajoie, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McFadden, Miller, Morrison, Nelson, O'Brien, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Piotti, Priest, Rankin, Rotundo, Sanborn, Schatz, Shaw, Sirois, 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, Cebra, Chase, Clark T, Cotta, Crafts, Cray, Crockett J, Curtis, Cushing, Davis, Edgecomb, Fitts, Fletcher, Flood, Fossel, Gifford, Giles, Greeley, Hamper, Harvell, Johnson, Joy, Knapp, Knight, Langley, Lewin, McKane, McLeod, Nass, Nutting, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Robinson, Sarty, Saviello, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tilton, Weaver.

ABSENT - Celli, Millett, Pendleton, Pratt, Rosen, Russell, Smith.

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 Not to Pass** Report was **ACCEPTED** in concurrence.

SENATE PAPERS

The following Joint Order: (S.P. 560)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Monday, May 18, 2009. The House will convene at 9:00 and the Senate at 10:00 in the morning.

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

The following Joint Order: (S.P. 561)

ORDERED, the House concurring, that Bill, "An Act To Amend the Retail Tobacco and Liquor Licensing Laws," S.P. 165, L.D. 462, 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.

CONSENT CALENDAR

First Day

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

(H.P. 777) (L.D. 1122) Resolve, Regarding Legislative Review of Portions of Chapter 101: Establishment of the Capital Investment Fund, a Major Substantive Rule of the Governor's Office of Health Policy and Finance (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 987) (L.D. 1411) Resolve, Regarding Legislative Review of Portions of Chapter 120: Release of Data to the Public, a Major Substantive Rule of the Maine Health Data Organization (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 988) (L.D. 1412) Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 21, Home and Community Benefits for Members with Mental Retardation or Autistic Disorder, a Major Substantive Rule of the Department of Health and Human Services, Office of MaineCare Services (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 692) (L.D. 1004) Bill "An Act Relating to Self-insurance" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-287)**

(H.P. 821) (L.D. 1180) Bill "An Act To Clarify and Update the Laws Related to Life and Health Insurance" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-288)**

(H.P. 985) (L.D. 1409) Bill "An Act To Make Technical and Supervisory Amendments to the Laws Governing Banking and Consumer Credit" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-289)**

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass** on Bill "An Act To Amend the Laws Governing Legislative Ethics"

(S.P. 365) (L.D. 982)

Signed:

Senators:

GOODALL of Sagadahoc
PLOWMAN of Penobscot

Representatives:

BEAULIEU of Auburn
CORNELL du HOUX of Brunswick
PINKHAM of Lexington Township
TRINWARD of Waterville
TUTTLE of Sanford
FITTS of Pittsfield
CAREY of Lewiston
NASS of Acton
RUSSELL of Portland
VALENTINO of Saco

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-153)** on same Bill.

Signed:

Senator:
SULLIVAN of York

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

READ.

On motion of Representative TRINWARD of Waterville, the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE** and was assigned for **SECOND READING** Monday, May 18, 2009.

ENACTORS
Emergency Measure

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

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

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

On motion of Representative SUTHERLAND of Chapman, the Resolve and all accompanying papers were **COMMITTED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in **NON-CONCURRENCE** and sent for concurrence.

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

On motion of Representative WRIGHT of Berwick, the House adjourned at 12:31 p.m., until 9:00 a.m., Monday, May 18, 2009 pursuant to the Joint Order (S.P. 560).