

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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
40th Legislative Day
Monday, May 18, 2009

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

Prayer by Reverend Kristin White, Wayne Community Methodist Church.

National Anthem by Sanford High School Marching Band.

Pledge of Allegiance.

Doctor of the day, Virginia Eddy, M.D., Cumberland.

The Journal of Thursday, May 14, 2009 was read and approved.

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act To Enhance the Safety of Forestry Workers and Contracted Farm Workers"

(H.P. 133) (L.D. 154)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-112) in the House on April 28, 2009.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-112) AND SENATE AMENDMENT "A" (S-131) in NON-CONCURRENCE.**

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

Non-Concurrent Matter

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

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

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-130) in the House on April 29, 2009.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-130) AS AMENDED BY SENATE AMENDMENT "B" (S-164)** thereto in **NON-CONCURRENCE.**

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

COMMUNICATIONS

The Following Communication: (S.P. 559)

STATE OF MAINE
124TH MAINE LEGISLATURE

May 13, 2009

Sen. Seth A. Goodall

Senate Chair, Joint Standing Committee on Natural Resources

Rep. Robert S. Duchesne

House Chair, Joint Standing Committee on Natural Resources

124th Legislature

Augusta, ME 04333

Dear Senator Goodall and Representative Duchesne:

Please be advised that Governor John E. Baldacci has nominated Franklin Woodard of Falmouth for appointment and Elizabeth Ehrenfeld of Falmouth for appointment to the Board of Environmental Protection.

Pursuant to Title 38 M.R.S.A. §341-C, these nominations will require review by the Joint Standing Committee on Natural Resources and confirmation by the Senate.

Sincerely,

S/Elizabeth H. Mitchell

President of the Senate

S/Hannah M. Pingree

Speaker of the House

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

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

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the Sanford High School Marching Band, on its invitation to perform in the 56th Inaugural Parade in Washington, D.C. after the swearing-in ceremony of President Barack Obama. President Obama announced he was "honored to invite these talented groups and individuals to participate." The invited organizations embody the best of our nation's history, diversity and commitment to service. A group of experienced military musicians used their expertise to assess the applicants' skills and assist in the selection process. We congratulate the Sanford High School Marching Band on the great honor of being invited to perform before a national audience. We send them our best wishes;

(HLS 340)

Presented by Representative BOLAND of Sanford.

Cosponsored by Senator COURTNEY of York, Representative NASS of Acton, Representative TUTTLE of Sanford.

On **OBJECTION** of Representative BOLAND of Sanford, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **BOLAND:** Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I understand our band members are off getting their uniforms put away and their instruments, but I just wanted to share with you how excited our town was about the Sanford Marching Band being able to march and invited to march in the Inaugural for this present president. I just would like to quote just briefly to you from what the band leader, Matt Doiron, said in our newspaper at the time, I think it was uplifting: "In looking back on Tuesday, January 20, there are several things that will forever stand out in my mind: The sight of the 1 million plus people who filled the National Mall as we were whisked through on our buses; the sense of hope surrounding our new president; the looks on the kids' faces when they finally began to understand that we aren't just a fluke band, but a group earning honors through hard work and dedication." I just thought that was just great to hear, at these times when we're sort of struggling with difficult issues to face, that some of these things can just do an awful lot to lift a town and a band. Thank you.

The **SPEAKER:** The Chair recognizes the Representative from Acton, Representative Nass.

Representative **NASS:** Thank you, Madam Speaker. I, too, would like to offer a few words about the Sanford Marching Band. I was fortunate enough to teach in Sanford for 30 years, and, each year, we had a band day where all of the schools would come to the Memorial Gym and listen to the bands from the grade schools up. Most of these band members were in that

group and so I've watched them grow. Unfortunately I've also watched the band director grow: he was a senior when I first started teaching, which dates me just a little bit. But I think we need to recognize, too, the great accomplishments of the parents that have sponsored these kids. They have been boosters; they have facilitated the students getting these gorgeous uniforms; they have worked very hard at stands, at games, to earn money so that our kids—and we in Sanford speak of them as all of our kids—have been able to go to New York and to go to Washington and to show all of their skills. Kudos to all of them.

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

In Memory of:

Muriel Havenstein, of Nobleboro, jazz pianist and Maine musical treasure. Mrs. Havenstein was born and raised in New York City and started playing the piano professionally at age 16. She joined the all-girl swing band Estelle and Her Brunettes which traveled around during World War II. She met and married a young Marine, Bob Havenstein, in 1947, and took time off from her music to raise 2 daughters and a son. In the 1960s, they relocated to mid-coast Maine and Mrs. Havenstein returned to her music. She was a well-known figure on the jazz scene, playing with local as well as national celebrities. She served as an inspiration and mentor to many musicians, both young and old alike. Mrs. Havenstein will be deeply missed, not only by her family and her many friends, but also by the entertainment community of Maine which has been so enriched by her presence for decades;

(HLS 343)

Presented by Representative PERCY of Phippsburg.

Cosponsored by Representative PIEH of Bremen, Senator TRAHAN of Lincoln, Senator RECTOR of Knox, Senator DAMON of Hancock, Representative MCKANE of Newcastle, Representative WATSON of Bath, Representative KRUGER of Thomaston, Speaker PINGREE of North Haven, President MITCHELL of Kennebec, Representative MAZUREK of Rockland, Senator BLISS of Cumberland, Representative EBERLE of South Portland, Representative MORRISON of South Portland, Representative KAENRATH of South Portland.

On **OBJECTION** of Representative PERCY of Phippsburg, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **PERCY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. This is a very personal sentiment for me. Muriel was my piano player for over 20 years, and we're so very lucky her family is up in the balcony today. The sentiment describes a little bit of the history, but what it doesn't tell you is what a feisty, dynamic character she was. She was tiny with the biggest laugh you'll ever want to hear. You'll notice in the sentiment it's quite a variety of legislators who signed on. The reason those names are there is because those represent either a community where Muriel did a concert or played at a local restaurant, or where she went and played at a Fourth of July parade with me trying to get Democrats reelected, even though she was a Republican and she always used to tease me about that. We did fundraisers for both Republicans and Democrats, for colleges, we played all over the state and her trust in me was incredible. Sometimes we'd end up on an island out in the Atlantic Ocean, and she'd say, What have you gotten me in to, and we would play for a concert in an odd fellow's hall on an island, Swans Island, or we'd go to North

Haven Island, or we'd go up to Mount Desert, or we'd go to Houlton, Presque Isle, we traveled all over the state and her music and her energy was infectious and her love for this kind of music.

For those of you who are in your fourth term with me, I hope you remember the time she came to play the National Anthem. We had the whole band set up down in the well of the House, and Muriel said, Okay, what kind of tempo do you want to do, and I said, Well, you know, when people do the National Anthem here, they're very, very serious and kind of slow, so I think we should kind of swing it, and she put her hands on the keyboard and she said, You can't swing the National Anthem, that's sacrilegious. We found a medium; we found a good tempo for that song. And Bob, June and Chris, thank you for sharing and understanding Muriel's passion, because she was not home very much, she was always on the road with me.

I was trying to find one song that would aptly describe how those of us who knew and worked with Muriel could describe our feelings, and actually it was Irving Berlin. So Madam Speaker, if you will allow:

How much do I love you?

I'll tell you no lie

How deep is the ocean?

How high is the sky?

How many times a day do I think of you?

How many roses are sprinkled with dew?

How far would I travel

To be where you are?

How far is the journey

From here to a star?

And if I ever lost you

How much would I cry?

How deep is the ocean?

How high is the sky?

Thank you, Madam Speaker

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

Representative **PIEH**: Thank you, Madam Speaker. I had the honor of having Muriel as a constituent, but you know we have all of those sayings, life begins at 40, we retire at 65, well she broke all of those rules because it never ever stopped. She was 85 years old and she was still out performing and inspiring all of us, and I want to thank her family for sharing her with us. She will remain an inspiration to me. Thank you.

The SPEAKER: The Chair recognizes the Representative from Newcastle, Representative McKane.

Representative **MCKANE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I met Muriel back in the late 70s at a place called the Clarissa Illsley Tavern—it's no longer there—in Damariscotta. She was this little woman in size only playing beautiful jazz standards. I asked her if she would know sheet music, and I asked her if by any chance she knew "As Time Goes By" and she looked at me, she goes, Huh, and she just started right in, the best version I ever heard, better than Sam could ever have thought of playing it. She played our requests all night. I became an instant fan and a friend for the next three decades. Two years ago, when she turned 85, she played at her own celebration in Boothbay Harbor with some of the best jazz musicians in the state. It was always fun to watch Muriel bring others up in their own game, because she the best there was, she was the absolute best. But she was also very, very entertaining off stage. She had this great sense

of humor. She would hold court in downtown Damariscotta, I had coffee with her many times over the years, and we would often share stories about our mutual friend from Phippsburg and what she was up to. Those of us who knew her will always miss her, her good humor and inimitable style, and there was only one Muriel. Thank you.

The SPEAKER: The Chair recognizes the Representative from Thomaston, Representative Kruger.

Representative **KRUGER**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. To know Muriel is to love her. She was a true treasure, a trove of the history of American jazz. Her delight in making music was so infectious, her band mates played with more swing and more soul when they sat in with her. To recall the joy on her face as she played is to hear her all over again. We miss you, dear. The music in heaven just got a lot better. Thank you.

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

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Thursday, May 14, 2009, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Expression of Legislative Sentiment Recognizing Hal Watson, of Rumford, former wrestling coach of Dirigo High School, on his induction into the Maine Amateur Wrestling Hall of Fame

(HLS 323)

TABLED - May 13, 2009 (Till Later Today) by Representative HARLOW of Portland.

PENDING - **PASSAGE**.

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

Representative **HARLOW**: Thank you, Madam Speaker. It was with great joy that I listened to Representative Percy, but I'm going to give you all more joy: I'm not going to sing. It is also with great joy that I introduce my cousin, Hal Watson, to this body. He was recently selected to the Hall of Fame as a wrestling coach. He started the wrestling program at Dirigo High School in Dixfield, Maine and won several state championships. His wrestling room was a classroom that he had to empty every day. He was and is greatly respected and like by all the kids and professionals at Dirigo. He has also been selected as a coach of the year; however, this is not what I am most proud about him.

When he graduated from college, he went to Vietnam. He was a kid when he left. When he came home, he was a man. I was watching the movie "We Were Soldiers" and he coincidentally came by. I knew he had volunteered to be in the Calvary. It was not the horse Calvary; it was helicopters, which was the most dangerous group to be a part of. I asked him if the movie was accurate. He said yes, his division was there. That would be reason enough to be in the Hall of Fame. I always kidded him by saying the reason that he joined that group was because he got a \$55 hazardous pay duty. It was really because of the courage. I can see his dad jumping up and down in heaven because he's so proud of him. Hal, congratulations, and I am sincerely proud of you.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Peterson.

Representative **PETERSON**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Dan

Gable said once you've wrestled, everything else in life is easy. Hal Watson shared that lesson with countless young men for many years in our neck of the western Maine world, where wrestling is a way of life. He's a great ambassador to the sport and a true pillar of our community. It's an honor to live in the same town with him and I offer my heartfelt congratulations. Thank you, Madam Speaker.

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Require Health Insurers To Provide Coverage for Nutritional Wellness and Prevention Measures and Products"

(H.P. 533) (L.D. 782)

Signed:

Senators:

BOWMAN of York
ALFOND of Cumberland
McCORMICK of Kennebec

Representatives:

TREAT of Hallowell
PRIEST of Brunswick
BEAUDOIN of Biddeford
BECK of Waterville
GOODE of Bangor
RICHARDSON of Warren
WEAVER of York
FOSSEL of Alna

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-283)** on same Bill.

Signed:

Representatives:

LEGG of Kennebunk
MORRISON of South Portland

READ.

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

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

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-281)** on Bill "An Act Regarding Alcoholic Beverage Tastings"

(H.P. 353) (L.D. 498)

Signed:

Senators:

SULLIVAN of York
PLOWMAN of Penobscot
GOODALL of Sagadahoc

Representatives:

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

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

Signed:

Representatives:

BEAULIEU of Auburn
VALENTINO of Saco

READ.

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

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

Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-278)** on Bill "An Act To Amend the Aquaculture Laws"

(H.P. 977) (L.D. 1398)

Signed:

Senators:

DAMON of Hancock
SULLIVAN of York
RECTOR of Knox

Representatives:

KRUGER of Thomaston
MacDONALD of Boothbay
PRESCOTT of Topsham
PENDLETON of Scarborough
WEAVER of York
PERCY of Phippsburg
EATON of Sullivan
TILTON of Harrington
ADAMS of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-279)** on same Bill.

Signed:

Representative:

McKANE of Newcastle

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-278)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 19, 2009.

CONSENT CALENDAR
First Day

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

(S.P. 96) (L.D. 300) Bill "An Act To Increase Child Support Collection by Expanding the New Hire Reporting Requirements"

Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-117)**

(H.P. 454) (L.D. 640) Bill "An Act To Ensure Public Access to Records Relating to Public Contracts for Personal Services" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-292)**

(H.P. 763) (L.D. 1108) Bill "An Act To Amend the Statute of Limitations under the Maine Human Rights Act" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-293)**

(H.P. 910) (L.D. 1307) Bill "An Act To Provide Limited Immunity for Road Association Directors, Commissioners and Volunteers" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-294)**

(H.P. 920) (L.D. 1317) Bill "An Act To Amend the Charter of the Addison Point Water District" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-296)**

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

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

(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)

(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)

(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 (C. "A" H-275)

(H.P. 662) (L.D. 960) Resolve, Requiring Rulemaking by the Maine Quality Forum Regarding Clostridium Difficile and Methicillin-resistant Staphylococcus Aureus (C. "A" H-280)

(H.P. 689) (L.D. 1001) Resolve, Concerning Fitness Programs for State Employees (C. "A" H-286)

(H.P. 692) (L.D. 1004) Bill "An Act Relating to Self-insurance" (C. "A" H-287)

(H.P. 766) (L.D. 1111) Bill "An Act To Promote Transparency and Accountability in Campaigns and Governmental Ethics" (C. "A" H-282)

(H.P. 821) (L.D. 1180) Bill "An Act To Clarify and Update the Laws Related to Life and Health Insurance" (C. "A" H-288)

(H.P. 865) (L.D. 1246) Bill "An Act To Promote Youth Hunting License Sales" (C. "A" H-276)

(H.P. 930) (L.D. 1326) Bill "An Act To Amend the Laws Governing Licensed Financial Service Providers" (C. "A" H-284)

(H.P. 944) (L.D. 1343) Bill "An Act To Promote Consumer Fairness in Tax Refund Anticipation Loans" (C. "A" H-285)

(H.P. 985) (L.D. 1409) Bill "An Act To Make Technical and Supervisory Amendments to the Laws Governing Banking and Consumer Credit" (C. "A" H-289)

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

BILLS IN THE SECOND READING
Senate

Bill "An Act To Amend the Laws Governing Legislative Ethics"
(S.P. 365) (L.D. 982)

House as Amended

Bill "An Act To Increase Youth Boating Safety"
(H.P. 829) (L.D. 1204)
(C. "A" H-274)

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

Bill "An Act Allowing Workers' Compensation Benefits for Firefighters Who Contract Cancer"

(S.P. 235) (L.D. 621)
(S. "B" S-151 to C. "A" S-100)

Was reported by the Committee on **Bills in the Second Reading** and **READ** the second time.

On motion of Representative PIOTTI of Unity, was **SET ASIDE**.

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENGROSSED as Amended** and later today assigned.

ENACTORS

Emergency Measure

An Act To Eliminate the Repeal Date on Nonhospital Expenditures in the Capital Investment Fund

(S.P. 80) (L.D. 239)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 127 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Protect the Integrity of the State's Carbon Dioxide Budget Trading Program and Auction Process and To Provide Allocations to the Energy and Carbon Savings Trust Fund

(S.P. 93) (L.D. 276)

(S. "A" S-138 to C. "A" S-42)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 120 voted in favor of the same and 6 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Encourage Clean Fuel Vehicle Economic and Infrastructure Development by Extending the Tax Credit

(S.P. 307) (L.D. 799)

(C. "A" S-143)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 127 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Allow Authorized Agents to Process Moose Hunting Lottery Applications and Antlerless Deer Permit Applications

(H.P. 560) (L.D. 824)

(C. "A" H-235)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 131 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Exempt Protection from Abuse Orders from the Notification and 30-day Waiting Period Requirements under the Uniform Enforcement of Foreign Judgments Act

(H.P. 563) (L.D. 827)

(C. "A" H-240)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 130 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Relating to the TransCap Trust Fund

(H.P. 654) (L.D. 951)

(C. "A" H-123)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 129 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Directing the ConnectME Authority To Create the Broadband Strategy Council

(H.P. 700) (L.D. 1012)

(C. "A" H-229)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 129 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, To Provide Grants to Public Educational and Municipal Entities for Feasibility Studies of Renewable Energy Projects

(H.P. 949) (L.D. 1348)
(C. "A" H-227)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 130 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Simplify and Consolidate Maine's Fishing Laws and Rules

(S.P. 34) (L.D. 85)
(C. "A" S-128)

An Act Regarding Political Signs

(H.P. 204) (L.D. 258)
(C. "A" H-133)

An Act To Allow Smelting on Mud Brook on Long Lake in Aroostook County

(S.P. 108) (L.D. 344)
(C. "A" S-129)

An Act To Establish the Civil Violation of Motor Vehicle Violation Resulting in Death

(H.P. 329) (L.D. 441)
(H. "A" H-185 to C. "A" H-78)

An Act To Recognize Maine Youth Camps

(S.P. 182) (L.D. 479)
(C. "A" S-148)

An Act To Allow Law Enforcement Officers To Obtain a Personal Recognizance Bond in Certain Cases

(H.P. 419) (L.D. 581)
(C. "A" H-239)

An Act To Exempt Snowmobiles and All-terrain Vehicles Operated at Demonstration Events from the Requirement of a Maine Registration

(H.P. 452) (L.D. 638)
(C. "A" H-234)

An Act To Promote Cost-effective and Broad-based Vision Care for Maine Citizens by Clarifying the Scope of Prescription Authority by an Optometrist

(S.P. 258) (L.D. 683)
(C. "A" S-147)

An Act Regarding Claims for Civil Perjury

(H.P. 486) (L.D. 703)

An Act To Capitalize the Municipal Investment Trust Fund with Municipal Revenue-sharing Resources

(S.P. 316) (L.D. 808)
(C. "A" S-144)

An Act To Expand the Moose Hunting Season

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

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

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

An Act To Allow Lobster License Exemptions to Persons with Certain Medical Criteria

(H.P. 697) (L.D. 1009)
(C. "A" H-217)

An Act To Amend the Laws Governing Campaign Finance Reports and the Maine Clean Election Act

(S.P. 380) (L.D. 1016)
(C. "A" S-136)

An Act To Facilitate the Marketing of Power Produced by Small Generators

(H.P. 769) (L.D. 1114)
(C. "A" H-226)

An Act To Amend the Laws Governing Outdoor Wood Boilers

(H.P. 810) (L.D. 1171)

(C. "A" H-228)

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.

Resolves

Resolve, Directing the Commissioner of Agriculture, Food and Rural Resources To Develop Best Management Practices for Poultry Production

(S.P. 267) (L.D. 692)
(C. "A" S-127)

Resolve, To Create a Working Group To Provide Transparency Concerning Operating Expenses for Hospitals

(S.P. 273) (L.D. 724)
(C. "A" S-149)

Resolve, To Require a Study of Economic Development Incentives in the Unorganized Territory

(S.P. 426) (L.D. 1154)
(C. "A" S-146)

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

An Act Relating to Death Benefits for Certain Law Enforcement Officers and Amending the Definition of Emergency Vehicles

(S.P. 135) (L.D. 393)
(C. "A" S-132)

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

On motion of Representative CURTIS of Madison, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

ROLL CALL NO. 82

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, Cohen, Cornell du Houx, Cotta, Crafts, Cray, Crockett J, Crockett P, Curtis, Cushing, Davis, Dill, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Eves, Finch, Fitts, Flaherty, Flemings, Fletcher, Flood, Fossel, Gifford, Gilbert, Giles, Goode, Hamper, Hanley, Harlow, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Johnson, Jones, Joy, Kaenrath, Knapp, Knight, Kruger, Lajoie, Langley, Legg, Lewin, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McFadden, McKane, McLeod, Miller, Millett, Morrison, Nass, Nelson, Nutting, O'Brien,

Pendleton, Peoples, Percy, Peterson, Pieh, Pilon, Pinkham, Piotti, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Robinson, Rosen, Rotundo, Russell, Sanborn, Sarty, Saviello, Schatz, Shaw, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tilton, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Weaver, Welsh, Willette, Wright, Madam Speaker.

NAY - NONE.

ABSENT - Celli, Cleary, Connor, Dostie, Greeley, Kent, McCabe, Perry, Pratt, Webster, Wheeler.

Yes, 140; No, 0; Absent, 11; Excused, 0.

140 having voted in the affirmative and 0 voted in the negative, with 11 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Amend the Tax Exemption Regarding Leased Property

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

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

On motion of Representative CURTIS of Madison, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

ROLL CALL NO. 83

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, Cohen, Connor, Cornell du Houx, Cotta, Crafts, Cray, Crockett P, Cushing, Dill, Duchesne, Eaton, Eberle, Eves, Finch, Fitts, Flaherty, Flemings, Fletcher, Flood, Fossel, Gifford, Gilbert, Giles, Goode, Hamper, Hanley, Harlow, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Knapp, Knight, Kruger, Lajoie, Legg, Lewin, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McFadden, McKane, McLeod, Miller, Millett, Morrison, Nass, Nelson, Nutting, O'Brien, Pendleton, Peoples, Percy, Peterson, Pieh, Pilon, Piotti, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Robinson, Rosen, Rotundo, Russell, Sanborn, Sarty, Saviello, Schatz, Shaw, Sirois, Smith, Stevens, Stuckey, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Tilton, Treat, Trinward, Valentino, Van Wie, Wagner J, Wagner R, Watson, Weaver, Welsh, Willette, Wright, Madam Speaker.

NAY - Clark H, Clark T, Crockett J, Curtis, Davis, Driscoll, Edgecomb, Johnson, Joy, Langley, Pinkham, Strang Burgess, Thomas, Tuttle.

ABSENT - Celli, Cleary, Dostie, Greeley, Kent, McCabe, Perry, Prbster, Wheeler.

Yes, 127; No, 14; Absent, 10; Excused, 0.

127 having voted in the affirmative and 14 voted in the negative, with 10 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Ensure Adequate Insurance Coverage for Family Child Care Providers

(H.P. 614) (L.D. 896)
(C. "A" H-214)

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

On motion of Representative BERRY of Bowdoinham, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

ROLL CALL NO. 84

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, Cohen, Connor, Cornell du Houx, Cotta, Crafts, Cray, Crockett J, Crockett P, Curtis, Cushing, Davis, Dill, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Eves, Finch, Fitts, Flaherty, Flemings, Fletcher, Flood, Fossel, Gifford, Gilbert, Giles, Goode, Hamper, Hanley, Harlow, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Johnson, Jones, Joy, Kaenrath, Knapp, Knight, Kruger, Lajoie, Langley, Legg, Lewin, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McFadden, McKane, McLeod, Miller, Millett, Morrison, Nass, Nelson, Nutting, O'Brien, Pendleton, Peoples, Percy, Peterson, Pieh, Pilon, Pinkham, Piotti, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Robinson, Rosen, Rotundo, Russell, Sanborn, Sarty, Saviello, Schatz, Shaw, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tilton, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Weaver, Welsh, Willette, Wright, Madam Speaker.

NAY - NONE.

ABSENT - Celli, Cleary, Dostie, Greeley, Kent, McCabe, Perry, Pratt, Webster, Wheeler.

Yes, 141; No, 0; Absent, 10; Excused, 0.

141 having voted in the affirmative and 0 voted in the negative, with 10 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Clarify the Law Regarding the Passing of School Buses by Bicyclists

(S.P. 422) (L.D. 1131)

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

On motion of Representative BERRY of Bowdoinham, was **SET ASIDE**.

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

An Act To Exempt from the Sales Tax Meals Provided at Retirement Facilities

(S.P. 481) (L.D. 1335)
(C. "A" S-150)

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

On motion of Representative CURTIS of Madison, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

ROLL CALL NO. 85

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, Cohen, Connor, Cornell du Houx, Cotta, Crafts, Cray, Crockett J, Crockett P, Curtis, Cushing, Davis, Dill, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Eves, Finch, Fitts, Flaherty, Flemings, Fletcher, Flood, Fossel, Gifford, Gilbert, Giles, Goode, Hamper, Hanley, Harlow, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Johnson, Jones, Joy, Kaenrath, Knapp, Knight, Kruger, Lajoie, Langley, Legg, Lewin, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McFadden, McKane, McLeod, Miller, Millett, Morrison, Nass, Nelson, Nutting, O'Brien, Pendleton, Peoples, Percy, Peterson, Pieh, Pilon, Pinkham, Piotti, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Robinson, Rosen, Rotundo, Russell, Sanborn, Sarty, Saviello, Schatz, Shaw, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tilton, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Weaver, Welsh, Willette, Wright, Madam Speaker.

NAY - NONE.

ABSENT - Celli, Cleary, Dostie, Greeley, Kent, McCabe, Perry, Pratt, Webster, Wheeler.

Yes, 141; No, 0; Absent, 10; Excused, 0.

141 having voted in the affirmative and 0 voted in the negative, with 10 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 Thursday, May 14, 2009, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-144)** - Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Protect the Privacy of Consumer Financial Information"

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

TABLED - April 29, 2009 (Till Later Today) by Representative TREAT of Hallowell.

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

Representative TARDY of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **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 Hallowell, Representative Treat.

Representative **TREAT**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I urge you to vote in support of the Minority Ought to Pass Report. This bill has been sitting on the calendar for some days and we have not had an opportunity to discuss it, so I'd like to just briefly walk through what it is about.

This legislation will protect your privacy. We have had a number of bills before this Legislature, over the past couple of days and weeks, that relate to medical privacy. This bill is about protecting the privacy of your personal information that is held by financial institutions that issue credit cards. Right now that information can be shared to unaffiliated parties, organizations, companies that might use that information, and in fact do use that information, to market various products to you. The information that they are able to send out about you includes how much money is in your bank account and personal identifying information.

The way the law works right now is you get a notice in your bill, at various points, when you open an account and thereafter, which tells you that, if you want to, you can call or go to the web and tell the financial institution that you don't want them to share your personal information with these other companies, and these are companies that are not required to have that information because they're not working closely with the financial institution, for example, putting together a mortgage or something like that. There are other companies that could be marketing to you anything, from paving your driveway to fixing your roof to various financial products.

Now this notice that you get, I'm reading from one right now, happens to be in about I don't know what the typeface is, but I know that I cannot read it with my reading glasses on, it's so small. It has a lot of other information in here. It goes on both sides and most people have no idea what it's all about. There are many things that the Federal Government tells the states they cannot do with respect to financial information and credit cards, and we've already discussed that a little bit about debit holds and things like that, what the state role is. Many of the laws say that what the feds do is what counts and we're not allowed to do anything different. But in the case of your private information, the law is different, and the law says that Maine and other states can choose a different approach, and that we can have a law that says that your financial information will not be shared unless you contact the financial institution to tell them that you want it to be shared. The default position, which is the Federal Government's position and what Maine law is right now, is that, as long as you don't call them, your information is shared, and it can be shared with many, many institutions.

I think in this day and age, there is a reason why all of us receive multiple, multiple solicitations for many, many things, some of them, not really on the up and up. This legislation will make sure that your personal information is not shared with all in sundry and, if you really want it to be shared so that you get those solicitations, you can take the opportunity to read through this multi page document identifying, probably five point typeface, the number or website that you can call and do that. This legislation has been supported over the years by the Attorney General's Office and for a very simple reason: Their experience is that many people, particularly people who are of an age that they need reading glasses, older people, are mightily confused by this, never know that they have the right to protect their personal information and never take advantage of this, and then are a subject of a scam sometime later. This is a very good

consumer protection measure and I hope you'll join me in voting for it.

The **SPEAKER**: The Chair recognizes the Representative from Waterville, Representative Beck.

Representative **BECK**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I wanted to rise to present the perspective of the majority of the IFS Committee, members of both parties and both bodies, about what LD 783 does and what it does not do.

LD 783 requires all Maine banks and credit unions to send out multiple mailers to all of their members, all their account holders, about what some consider, Madam Speaker, a rather standard business practice. Incidentally, it's a practice that Maine's community banks and credit unions do not currently undertake, so we heard at the hearing. This could add cost and it could add confusion, Madam Speaker, because as we heard, federal standards already exist on this issue and there is already a privacy option at the Maine level. We heard no consumer complaints at this hearing, again. What this bill does not do, it does not really address the issue of data breaches, because we think about data breaches at Hannaford or TJ Maxx, those occurred with affiliated entities, not with nonaffiliated data sharing. So Madam Speaker, I hope that the House concurs with the majority of the IFS Committee, Democrats and Republicans in both bodies, by pushing the red light. Thank you.

Representative **RICHARDSON** of Warren **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

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

Representative **LEGG**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. When I first became acquainted with this bill, I'd heard about it in the past, but I really thought it was a no-brainer, but that's a phrase that's used a lot, but there were several people with plenty of brains who did not support this. So I've been waiting to hear a compelling reason why this is not a good law for our state, and I'm still waiting. One thing that has gone around is that this only covers Maine banks and community banks and credit unions; it doesn't. It covers all the big credit card issuers who do business in the State of Maine. So I wanted to debunk that right off from the beginning. I don't want to be too redundant, but I believe it's time to restore and reinforce our country's commitment to privacy and an individual's control of his or her non-public personal information. It's also just plain common sense and a matter of common courtesy that if an institution as large and as powerful as are most of those covered by this proposed legislation, desires to disclose personal information about a card holder to a person or an entity, that person, that cardholder may not even know. The institution should first ask for the cardholder's permission. The duty of the institution regarding disclosing personal information should first fall to the individual customer and not to either the financial services provider or to some unaffiliated third party. LD 783 accomplishes the right results for the individual and for the principles of privacy. Thank you.

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

Representative **FOSSSEL**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I will never get good at this. This is a bash Maine business bill, pure and simple. It's not going to protect your privacy. Most credit cards are issued out of state. There are no big credit card issuers in the State of Maine. Maine banks do not share information. This cannot change things on a national level where the problem is. I would suggest to the majority party that they

control both houses and the presidency and they should change this law on a national level. We cannot do it on a state level. It will not keep your information from being shared. All it will do it will provide another burden on Maine banks. Maine banks have a choice of having state charters or national charters. They're moving to national charters. If you want to have no state regulation of our banking system, I want you to vote for this bill. Thank you very much.

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

Representative **PERCY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. At the public hearing I asked this question: If banks, credit card companies can sell this information, where's my cut? And nobody could answer that. Nobody could answer what they get paid for selling my information. For the record, California passed this law, their version of this law, because it's about privacy. We have an enormous percentage of seniors in this state. I'm 53 and I have to wear glasses and I can't read those bloody small types, and so imagine all of the seniors who are challenged with that. They just throw it out. This is simply about privacy and about fairness and idea that it's standard practice to sell my information is highly insulting. Standard practice, it shouldn't be standard practice. Our standard practice, as legislators, should be to protect our consumers' information and that's what this bill is about. This bill came in front of us three terms ago and the arguments from the banking community were the same then as they are now, except the change is happening, more states are putting this legislation through, and it's a good thing at the national level, at the federal level, they are taking on credit card companies as we speak and I applaud them for that.

The other piece is why not go first? Maine went first with prescription drugs and guess who's copying us now, the Federal Government, so I would urge your support of the Minority Report. Thank you, Ladies and Gentlemen.

The **SPEAKER**: The Chair recognizes the Representative from Warren, Representative Richardson.

Representative **RICHARDSON**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I just wanted to read an excerpt from the testimony we received from Commissioner Head of the Department of Professional and Financial Regulation. Commissioner Head opposed this bill and basically she brought out three points which I'd like to share:

First, financial service companies must clearly and conspicuously disclose to consumers at least once a year their policies for collecting and sharing consumer nonpublic personal information. Consumers must have the right to opt out of disclosures of their nonpublic personal information to nonaffiliated third parties, and it presently works. Financial service companies may not disclose consumer account access information to third party marketers.

That was from our Commissioner, and, again, I want to stress that she was opposed to this legislation. Thank you.

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 as, I believe, the only active banker in this chamber, and I've been in this industry for over 30 years. Confidentiality comes first and foremost in our industry. Confidentiality comes in first and foremost with our competitors in this industry. I am very respectful of the need to protect privacy, but there is, as the good Representative Richardson just explained and a few others have, there is notification given at the time you open accounts, there is notification given annually to you, there is an opportunity if you

want to opt out on all of this, and this all comes at great cost to the industry. Keep in mind this also comes at great cost to the consumer, so I'm very respectful of the need to maintain privacy. I've got to be honest: In my 30 years, I have never had a person come into my office saying we've inappropriately shared information in this industry. This may be legislation that truly goes beyond what is needed and there are federal laws to protect folks. Thank you.

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

Representative **TREAT**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I'd like to clarify just a few things. First of all, what this legislation does, it applies to national banks as well as state banks. I wasn't really clear about that when I first spoke. It is one of the few cases where the Federal Government has said to us that you, the State of Maine, have the authority to regulate national banks, and, has been stated, the vast majority of the credit cards here in Maine are offered by national banks.

Secondly, Maine is not the only state to consider this and there are a number of other states, several more than California that has been mentioned, that have this legislation. Alaska, California, Connecticut, Illinois, North Dakota, and Vermont are the states that currently have the legislation. Now Commissioner Head did initially come in to the committee and say that she opposed it, and I believe that's because the local banks do oppose it which is within their jurisdiction. However, we asked the commissioner would she go out and find out, and the stated reason this is going to cause confusion, it's going to be an imposition on the state chartered institutions, so we asked her to come back to the committee with a report on whether or not there had been any problem implementing this, whether it was an additional expense, whether there was consumer confusion. Her report to us, in a memorandum form, was that no, in fact none of the states had any difficulty whatsoever in implementing it; it did not cause confusion; it really was a non-issue.

Now I want to raise the point about is this an imposition on the state chartered institutions. I honestly do not understand the opposition to this bill from the financial institutions. They have to send out a notice right now saying what their policy is and that their policy is not to share this information, if that's the case. It's a simple wording change. I don't understand it. And this point of consumer confusion, right now people don't really know that their information is being shared and, those that do, often find out because they call up the Attorney General's Office, they're not calling the banks, they're calling up the Attorney General's Office after their information is shared and that's when they found out that it was A-Okay to share their information. I'll just read from a letter, it's from a former attorney general, and this issue came up once before, who testified in support of it, and he said: *The consumer complaints that we have received and investigated demonstrate that some banks enter into agreements with unaffiliated third party vendors. Pursuant to these agreements, banks provide non-public customer information to the vendors, which the vendors use to market products to consumers. As a result of this marketing, consumers some times end up with the charges on their credit cards and even mortgage balances that the consumers claim they never authorize. I believe that the passage of this legislation would provide better protection for consumers. Congress has expressly authorized state regulation of sharing of nonpublic personal information by financial institution with nonaffiliated third parties, pursuant to 15 U.S.C. 6807, that's the federal law.*

So I honestly don't understand the severe opposition to this that we've been hearing. It is a consumer protection measure. I

don't think most people want their bank account information and social security information flying around to unaffiliated vendors of any product out there, of any type whatsoever. They have no idea that buried on page 27, or in the midst of one of these notices in tiny typeface, that they have the opportunity to make a difference. The one that I pulled out from my own files actually refers people to a website to find out what the privacy policy is, and I can just speak from experience dealing with my own mother, who in fact has a computer, although it's like a 15 year old Macintosh that is on dialup, this is not something she's doing and I think this is not something virtually anybody else is doing, particularly older people who are most likely to be victimized. I do encourage you to vote for this bill, and I ask for a roll call.

The SPEAKER: A roll call is already in order.

The Chair recognizes the Representative from Kennebunk, Representative Legg.

Representative **LEGG**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I just want to point out that two straight attorney generals now have testified in favor of this bill, it's good law for the state, and I think should carry some weight with our vote. There are some big cases out there currently in the process of being settled, but those are involved with these large, national or international credit companies and they issue most of the cards, if not all of the cards, in the State of Maine, and we can legislate on that. I think its important legislation and it's time we passed it in Maine.

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

ROLL CALL NO. 86

YEA - Adams, Beaudette, Beaudoin, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Butterfield, Cain, Carey, Casavant, Connor, Crockett P, Dill, Duchesne, Eaton, Eberle, Eves, Finch, Flemings, Gilbert, Goode, Harlow, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Legg, Lovejoy, Magnan, Martin JR, Martin JL, Mazurek, Miller, Morrison, Nelson, O'Brien, Percy, Piotti, Priest, Rankin, Rotundo, Russell, Schatz, Sirois, Smith, Stevens, Stuckey, Theriault, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Welsh, Wright, Madam Speaker.

NAY - Austin, Ayotte, Beaulieu, Beck, Bickford, Browne W, Burns, Campbell, Cebra, Chase, Clark H, Clark T, Cohen, Cornell du Houx, Cotta, Crafts, Cray, Crockett J, Curtis, Cushing, Davis, Driscoll, Edgecomb, Fitts, Flaherty, Fletcher, Flood, Fossil, Gifford, Giles, Hamper, Hanley, Harvell, Haskell, Johnson, Joy, Kaenrath, Knapp, Knight, Kruger, Lajoie, Langley, Lewin, MacDonald, McFadden, McKane, McLeod, Millett, Nass, Nutting, Pendleton, Peoples, Peterson, Pieh, Pilon, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Robinson, Rosen, Sanborn, Sarty, Saviello, Shaw, Strang Burgess, Sutherland, Sykes, Tardy, Thibodeau, Thomas, Tilton, Weaver, Willette.

ABSENT - Celli, Cleary, Dostie, Greeley, Kent, McCabe, Perry, Pratt, Webster, Wheeler.

Yes, 66; No, 75; Absent, 10; Excused, 0.

66 having voted in the affirmative and 75 voted in the negative, with 10 being absent, and accordingly the Minority **Ought to Pass as Amended Report was NOT ACCEPTED.**

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

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-295)** on Bill "An Act To Protect Family Caregivers" (H.P. 664) (L.D. 962)

Signed:

Senators:

BLISS of Cumberland
HOBBINS of York

Representatives:

PRIEST of Brunswick
BRYANT of Windham
DILL of Cape Elizabeth
HILL of York
KRUGER of Thomaston
STEVENS of Bangor
CROCKETT of Bethel

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

Signed:

Senator:

HASTINGS of Oxford

Representatives:

CLEARY of Houlton
NASS of Acton
BEAULIEU of Auburn

Representative MITCHELL of the Penobscot Nation - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-295)** Report.

READ.

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

Representative TARDY of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

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

ROLL CALL NO. 87

YEA - Adams, Beaudette, Beaudoin, Beck, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Butterfield, Cain, Campbell, Carey, Casavant, Cebra, Clark H, Connor, Cornell du Houx, Cotta, Cray, Crockett J, Crockett P, Davis, Dill, Driscoll, Duchesne, Eaton, Eberle, Eves, Flaherty, Flemings, Fletcher, Flood, Gifford, Gilbert, Goode, Hanley, Harlow, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Kruger, Lajoie, Legg, Lovejoy, MacDonald, Magnan, Martin JL, Mazurek, Miller, Millett, Morrison, Nelson, O'Brien, Pendleton, Peoples, Percy, Peterson, Pieh, Pilon, Pinkham, Piotti, Prescott, Priest, Rankin, Richardson D, Rotundo, Russell, Sanborn, Sarty, Schatz, Shaw, Sirois, Smith, Stevens, Stuckey, Sutherland, Theriault, Thibodeau, Tilton, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Welsh, Wright, Madam Speaker.

NAY - Austin, Ayotte, Beaulieu, Bickford, Browne W, Burns, Chase, Clark T, Cohen, Crafts, Curtis, Cushing, Edgecomb, Finch, Fitts, Fossel, Giles, Hamper, Johnson, Joy, Knapp, Knight, Langley, Lewin, McFadden, McKane, McLeod, Nass, Nutting, Plummer, Richardson W, Robinson, Rosen, Saviello, Strang Burgess, Sykes, Tardy, Thomas, Weaver, Willette.

ABSENT - Celli, Cleary, Dostie, Greeley, Kent, Martin JR, McCabe, Perry, Pratt, Webster, Wheeler.

Yes, 100; No, 40; Absent, 11; Excused, 0.

100 having voted in the affirmative and 40 voted in the negative, with 11 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-295)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 19, 2009.

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act To Require Motorcyclists To Wear Helmets"

(H.P. 341) (L.D. 453)

Signed:

Senators:

DAMON of Hancock
GOOLEY of Franklin
PERRY of Penobscot

Representatives:

MAZUREK of Rockland
PEOPLES of Westbrook
THERIAULT of Madawaska
CAREY of Lewiston
BROWNE of Vassalboro
CEBRA of Naples
ROSEN of Bucksport
THOMAS of Ripley

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-297)** on same Bill.

Signed:

Representatives:

HOGAN of Old Orchard Beach
HARLOW of Portland

READ.

Representative CAREY of Lewiston moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **BEAUDOIN**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise today to speak briefly about this bill, it's my bill. It's an important step that we have already passed the good Representative from Orono, Representative Cain's bill, requiring anyone under age 18 to wear a helmet, but I feel that it does not go far enough. I received many angry emails and phone calls from people who like to say we ride, we decide. They decide what, to allow the taxpayers to foot the bill when they have an accident and end up with a brain injury? Having to stop and think about it, their insurance will pay just so far, then it's up to the taxpayers for the rest of their lives. There is more to the decision than not to wear a helmet than the wind in their hair, as they tell me, and, if nothing else, I hope that people will think about it. I ask for a roll call. Thank you.

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

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

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

ROLL CALL NO. 88

YEA - Austin, Ayotte, Beaudette, Beaulieu, Beck, Berry, Bickford, Browne W, Bryant, Burns, Butterfield, Cain, Campbell, Carey, Cebra, Chase, Clark H, Clark T, Cohen, Cornell du Houx, Cotta, Crafts, Cray, Crockett J, Crockett P, Curtis, Cushing, Davis, Dill, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Eves, Finch, Fitts, Flaherty, Flemings, Fletcher, Flood, Fossel, Gifford, Gilbert, Giles, Goode, Hamper, Hanley, Harvell, Haskell, Hayes, Hill, Hinck, Hunt, Innes Walsh, Johnson, Joy, Kaenrath, Knapp, Knight, Kruger, Lajoie, Langley, Legg, Lewin, Lovejoy, MacDonald, Magnan, Martin JL, Mazurek, McFadden, McKane, McLeod, Miller, Millett, Nass, Nelson, Nutting, Pendleton, Peoples, Percy, Peterson, Pieh, Pinkham, Piotti, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Rosen, Sanborn, Sarty, Saviello, Schatz, Shaw, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tilton, Treat, Trinward, Van Wie, Wagner J, Weaver, Welsh, Willette, Wright, Madam Speaker.

NAY - Adams, Beaudoin, Blodgett, Boland, Bolduc, Briggs, Casavant, Harlow, Hogan, Jones, Martin JR, Morrison, O'Brien, Pilon, Rotundo, Russell, Tuttle, Valentino, Wagner R, Watson.

ABSENT - Blanchard, Celli, Cleary, Connor, Dostie, Greeley, Kent, McCabe, Perry, Pratt, Robinson, Webster, Wheeler.

Yes, 118; No, 20; Absent, 13; Excused, 0.

118 having voted in the affirmative and 20 voted in the negative, with 13 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 90) (L.D. 267) Bill "An Act To Allow the Town of Baldwin Eligibility for Full Pine Tree Development Zone Benefits" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-156)**

(S.P. 357) (L.D. 935) Bill "An Act To Rate Energy Efficiency and Carbon Emissions of Buildings" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-155)**

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

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

On motion of Representative PERCY of Phippsburg, the House adjourned at 10:57 a.m., until 9:00 a.m., Tuesday, May 19, 2009 and in honor and lasting tribute to Muriel Havenstein, of Nobleboro.