

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
 43rd Legislative Day
 Thursday, May 21, 2009

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

Prayer by Reverend Jane Rich, United Church of Christ, Andover.

National Anthem by Elaine Michaud, Mexico.

Pledge of Allegiance.

Doctor of the day, A. Jan Berlin, M.D., South Freeport.

The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Joint Order Authorizing the Joint Standing Committee on Appropriations and Financial Affairs to Report out Emergency Legislation

(H.P. 1032)

READ and PASSED in the House on May 19, 2009.

Came from the Senate **READ** and **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Allow Voters To Choose Ongoing Absentee Voter Status"

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

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-182) in the House on April 30, 2009.

Came from the Senate **FAILED OF PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-182)** in **NON-CONCURRENCE**.

On motion of Representative TRINWARD of Waterville, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

Non-Concurrent Matter

Bill "An Act To Clarify the Application of the Public Works Minimum Wage Laws"

(H.P. 584) (L.D. 849)

Majority (8) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LABOR READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-241)** in the House on May 13, 2009.

Came from the Senate with the Minority (4) **OUGHT NOT TO PASS** Report of the Committee on **LABOR READ** and **ACCEPTED** in **NON-CONCURRENCE**.

On motion of Representative TUTTLE of Sanford, the House voted to **INSIST** and **ASK** for a **COMMITTEE OF CONFERENCE**. Sent for concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 186)

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

May 21, 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":

Agriculture, Conservation and Forestry

L.D. 804 An Act To Ensure the Integrity of Organic Agricultural Crops

L.D. 879 An Act To Allow Licensed Kennel Owners To Vaccinate Their Own Dogs

L.D. 1286 An Act To Amend State Dog Licensing Laws Business, Research and Economic Development

L.D. 370 An Act To Allow Mixed Martial Arts Competitions in Maine

L.D. 731 An Act To Designate Cumberland County as a Pine Tree Development Zone

Criminal Justice and Public Safety

L.D. 1107 An Act To Promote Personal Financial Responsibility by Allowing a Person To Make Good on Dishonored Checks Prior to the Imposition of Criminal Penalties

L.D. 1338 An Act To Deter Graffiti

Education and Cultural Affairs

L.D. 1299 An Act To Streamline the Fingerprinting Process

L.D. 523 Resolve, Directing the Department of Health and Human Services and the Department of Education To Enter into a Memorandum of Understanding Regarding Early Childhood Intervention

L.D. 725 An Act To Protect Student Privacy while Complying with Federal Law

L.D. 1106 Resolve, To Establish a Schoolchildren's Well-being Stakeholder Group

L.D. 1295 An Act To Establish the Middle School of Science and Mathematics

H.P. 701 Joint Study Order To Establish a Working Group To Identify Unfunded Educational Mandates

H.P. 820 Joint Study Order To Study Providing Child Care for Students of the University of Maine System and the Maine Community College System

H.P. 842 Joint Study Order To Study the Administrative Burden within School Districts as a Result of School Administrative Consolidation

Health and Human Services

L.D. 217 Resolve, To Increase Transparency in the Long-term Care Planning and Delivery Process To Ensure Maine's Elderly Can Make Informed Choices

L.D. 251 An Act To Protect the Safety of Maine Children by Requiring the Express Consent of a Legal Guardian To Dispense Prescription Medication to a Minor

L.D. 802 An Act To Require Reporting on Medical Services or Treatment Provided to Minors without Parental Consent

L.D. 1433 An Act Regarding the Creation of Capitated Behavioral Health Pilot Programs

LEGISLATIVE RECORD - HOUSE, May 21, 2009

| | | | |
|----------------------------------|--|----------------|--|
| L.D. 1452 | Resolve, Establishing the Committee To Study the Feasibility of Instituting Testing for Sports-related Head Injuries (EMERGENCY) | L.D. 279 | An Act To Amend the Laws Governing the Fund for the Efficient Delivery of Local and Regional Services |
| L.D. 1276 | An Act To Ensure That High-quality Services Are Provided to Behavioral Health Clients | L.D. 1147 | Resolve, To Allow the Secretary of State and the InforME Board To Facilitate the Payment of Outstanding Parking Tickets When Registering a Motor Vehicle |
| Inland Fisheries and Wildlife | | | |
| L.D. 1237 | An Act To Modify Maine's Fishway Laws | L.D. 538 | An Act To Consolidate the Department of Marine Resources and the Department of Inland Fisheries and Wildlife into a New Department of Fish, Wildlife and Marine Resources |
| L.D. 1301 | An Act To Require Snowmobile Safety Training | L.D. 1064 | An Act To Increase Efficiency through Regionalization |
| L.D. 139 | An Act To Require a Guide License for Certain Outdoor Activities | L.D. 1098 | Resolve, To Transfer Ownership of the Reed Center on the Stevens Campus in the City of Hallowell to School Administrative District No. 16 |
| L.D. 626 | An Act To Increase Participation in Funding the Activities of the Department of Inland Fisheries and Wildlife | L.D. 1220 | An Act To Create Incentives for the Consolidation of Municipal Services |
| Insurance and Financial Services | | | |
| L.D. 148 | An Act To Provide Notice of Foreclosures to Tenants | Taxation | |
| L.D. 377 | An Act To Amend the Procedure for Foreclosure Regarding Timing and Sale | L.D. 237 | An Act To Impose an Excise Tax on the Extraction of Water for Bottling |
| L.D. 641 | An Act To Notify Municipal Assessors of Foreclosure Actions | L.D. 842 | An Act To Exclude Business and Capital Losses from Consideration as Income under the Circuitbreaker Program |
| L.D. 728 | An Act To Protect Homeowners in Foreclosure Proceedings | L.D. 1124 | An Act To Provide Legislative Oversight of Changes to Policies and Practices of the Bureau of Revenue Services |
| L.D. 1125 | An Act To Improve the Home Foreclosure Process | L.D. 1214 | An Act To Amend the Laws Regarding the Taxation of Private and Public Pensions |
| L.D. 1144 | An Act To Protect Tenants during Foreclosure | L.D. 1347 | An Act To Deter Initiation of Tobacco Use by Increasing the Tax on Tobacco Products (EMERGENCY) |
| L.D. 1003 | Resolve, Directing the Office of Program Evaluation and Government Accountability To Perform a Performance Evaluation and Cost-benefit Analysis of the Dirigo Health Program | L.D. 1367 | An Act To Increase the Homestead Property Tax Exemption |
| Judiciary | | | |
| L.D. 756 | An Act To Discourage the Misuse of the Process for Obtaining Protection from Abuse | L.D. 1463 | An Act To Provide Equitable Property Tax Relief To Maintain Traditional Communities |
| L.D. 1208 | An Act To Encourage Transparency in the Oversight of Interscholastic Activities | L.D. 109 | An Act To Exempt Residential Electricity from Sales Tax |
| L.D. 1353 | An Act Regarding Salary Information for Public Employees | L.D. 670 | An Act To Make Health Insurance More Affordable |
| L.D. 1382 | An Act To Provide for Equality before the Law | L.D. 671 | An Act To Exempt Clean Fuel Vehicles from Sales Tax |
| Labor | | L.D. 787 | An Act To Provide an Additional Source of Revenue for the Tax Relief Fund for Maine Residents |
| L.D. 26 | An Act To Allow the Spouse of a Retired Public Employee a Second Chance To Be Enrolled under the Retiree's Insurance Plan | L.D. 1060 | RESOLUTION, Proposing an Amendment to the Constitution of Maine To Restrict Property Revaluations |
| L.D. 658 | An Act To Require United States Occupational Safety and Health Administration Training for Government Construction Contracts | L.D. 1173 | An Act To Exempt Sales of Heating Oil and Kerosene to Maine Businesses from Sales Tax |
| Legal and Veterans Affairs | | | |
| L.D. 1379 | An Act To Authorize the Operation of Slot Machines on the Passamaquoddy Reservation | Transportation | |
| L.D. 1458 | An Act To Increase Opportunities for Commercial Tracks and Agricultural Fairs | L.D. 432 | An Act To Ensure That the Maine Turnpike Authority Conducts Public Hearings for Construction and Reconstruction Projects and That All Public Records of the Maine Turnpike Authority Are Open for Inspection |
| L.D. 1081 | An Act To Clarify the Laws on Licensing for Charitable and Fraternal Organizations and Games of Chance | L.D. 1274 | An Act To Establish a Gold Star Family Member License Plate |
| Marine Resources | | | |
| L.D. 173 | An Act To Restore Funding for a Fish Hatchery in Northern Maine | L.D. 1383 | An Act To Provide Support to Municipal Government by Imposing a Municipal Surcharge on Traffic Violations |
| Natural Resources | | | |
| L.D. 1422 | Resolve, Directing the Department of Environmental Protection To Submit a Report and Recommendations Concerning Oil from Tar Sands, Coal from Mountaintop Removal Mining and Other High-polluting Energy Sources | | |
| State and Local Government | | | |

Utilities and Energy
L.D. 1450 An Act To Establish the Renewable Energy Resources Program
L.D. 1467 An Act Relating to the Carrabassett Valley Sanitary District

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.**

The Following Communication: (S.P. 562)

**STATE OF MAINE
124TH MAINE LEGISLATURE**

May 19, 2009
Sen. Deborah L. Simpson
Senate Chair, Joint Standing Committee on State and Local Government
Rep. Stephen R. Beaudette
House Chair, Joint Standing Committee on State and Local Government
124th Legislature
Augusta, ME 04333

Dear Senator Simpson and Representative Beaudette:
Please be advised that Governor John E. Baldacci has nominated Tracy Bigney of Bangor for appointment to the State Civil Service Appeals Board.
Pursuant to Title 5 M.R.S.A. §7081, this nomination will require review by the Joint Standing Committee on State and Local Government 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 **STATE AND LOCAL GOVERNMENT.**

READ and **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

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

ORDERS

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 26)

ORDERED, that Representative Stephen R. Beaudette of Biddeford be excused May 7 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Sarah O. Lewin of Eliot be excused May 13 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Elizabeth S. Miller of Somerville be excused May 13 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Peggy A. Pendleton of Scarborough be excused May 6, 7, 13 and 14 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Leila J. Percy of Phippsburg be excused May 12 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Anne C. Perry of Calais be excused May 18 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Walter A. Wheeler, Sr. of Kittery be excused May 18 for personal reasons.

READ and **PASSED.**

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the Lewiston High School Girls' Hockey Team which is the winner of the 2009 Girls' State Hockey Championship. This is the first year that this championship has taken place in Maine. We extend our congratulations to all of the team members of the Lewiston High School Girls' Hockey Team and to their coach, Ron Dumont, on the occasion of this historic win;

(HLS 358)

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

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

READ.

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

Representative **ROTUNDO**: Thank you, Madam Chair. Madam Chair, Men and Women of the House. We take hockey very seriously in Lewiston. From the hockey games that were played on the frozen canals by the mills 100 years ago to the hockey played now by the MAINEiacs in the Lewiston Colisée, this game has always been an important part of the fabric of our community. Children are on skates before they can walk. We start young and we produce outstanding, male and female, hockey players.

For decades, the Lewiston High School Boys' Hockey Teams have been bringing state championship trophies home. We are so proud that, finally this past winter, our girls had the opportunity to show the world what terrific athletes they are. The Lewiston High School Girls' Hockey Team made history when the team won the Girls' State Hockey Championship, the first year of this championship in Maine. We are exceedingly proud of these young women and congratulate them and their coach, Ron Dumont, and assistant coach, Don Cote, on their historic win. Thank you.

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

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

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Joint Order

Representative MARTIN for the **Joint Select Committee on Maine's Energy Future** on Bill "An Act To Authorize a General Fund Bond Issue To Fund Energy Efficiency Investments for Maine's Future"

(H.P. 1034) (L.D. 1481)

Reporting **Ought to Pass** pursuant to Joint Order, H.P. 63.

Report was **READ** and **ACCEPTED.** The Bill **READ ONCE** and was assigned for **SECOND READING** Tuesday, May 26, 2009.

Divided Reports

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Protect School Children from Dangerous or Abusive Restraint and Seclusion"

(S.P. 407) (L.D. 1096)

Signed:

Senators:

SCHNEIDER of Penobscot
WESTON of Waldo

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-185)** on same Bill.

Signed:

Senator:

ALFOND of Cumberland

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

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

Majority Report of the Committee on **LABOR** reporting **Ought Not to Pass** on Bill "An Act To Require Cause for Employment Termination"

(S.P. 433) (L.D. 1185)

Signed:

Senators:

JACKSON of Aroostook
GERZOFKY of Cumberland
MILLS of Somerset

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-180)** on same Bill.

Signed:

Representatives:

GILBERT of Jay
BLODGETT of Augusta

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

Representative TUTTLE of Sanford moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative TARDY of Newport **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. 97

YEA - Adams, Austin, Ayotte, Beaudoin, Beaulieu, Beck, Bickford, Blanchard, Boland, Bolduc, 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, Davis, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Eves, Finch, Flaherty, Flemings, Fletcher, Flood, Fossel, Gifford, Giles, Goode, Hamper, Hanley, Harlow, Harvell, Haskell, Hayes, Hinck, Hogan, Innes Walsh, Johnson, Jones, Joy, Kaenrath, Knapp, Knight, Kruger, Lajoie, Langley, Legg, Lewin, Lovejoy, MacDonald, Martin JR, Martin JL, Mazurek, McCabe, McFadden, McKane, McLeod, Miller, Millett, Morrison, Nass, Nelson, Nutting, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Pinkham, Piotti, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Robinson, Rosen, Rotundo, Sarty, Saviello, 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, Wheeler, Willette, Madam Speaker.

NAY - Berry, Blodgett, Briggs, Gilbert, Magnan, Russell, Schatz, Wright.

ABSENT - Beaudette, Celli, Cushing, Fitts, Greeley, Hill, Hunt, Kent, Pratt, Sanborn, Webster.

Yes, 132; No, 8; Absent, 11; Excused, 0.

132 having voted in the affirmative and 8 voted in the negative, with 11 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **NATURAL RESOURCES** and the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Bill "An Act Regarding the Regulation of Agricultural Composting Operations"

(S.P. 115) (L.D. 351)

Signed:

Senators:

GOODALL of Sagadahoc
SIMPSON of Androscoggin
BRYANT of Oxford

Representatives:

BOLDUC of Auburn
KNAPP of Gorham
MARTIN of Eagle Lake

EBERLE of South Portland
DUCHESNE of Hudson
WALSH INNES of Yarmouth
WELSH of Rockport
McCABE of Skowhegan
PERCY of Phippsburg
PRATT of Eddington
KENT of Woolwich
O'BRIEN of Lincolnville

Minority Report of the same Committees reporting **Ought to Pass as Amended by Committee Amendment "A" (S-165)** on same Bill.

Signed:

Senators:

SMITH of Piscataquis
NUTTING of Androscoggin
SHERMAN of Aroostook

Representatives:

HAMPER of Oxford
EDGECOMB of Caribou
AYOTTE of Caswell
GIFFORD of Lincoln
PIEH of Bremen
SMITH of Monmouth
CRAY of Palmyra

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

READ.

Representative DUCHESNE of Hudson moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-322)** on Bill "An Act To Increase the Safety of Maine State Troopers"

(H.P. 963) (L.D. 1373)

Signed:

Senators:

GERZOFSKY of Cumberland
DAVIS of Cumberland

Representatives:

HASKELL of Portland
LAJOIE of Lewiston
GREELEY of Levant
SCHATZ of Blue Hill
PLUMMER of Windham
BURNS of Whiting
WHEELER of Kittery
SYKES of Harrison

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

Signed:

Senator:

NUTTING of Androscoggin

Representatives:

HANLEY of Gardiner
MAGNAN of Stockton Springs

READ.

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

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

Representative **BEAUDOIN**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise to ask you to support my bill, Safety of Maine State Troopers. LD 1373 seeks to increase the safety of all Maine State Troopers, who are in the field by equipping them with semiautomatic rifles, just the ones out in the field. We need to provide weapons to state troopers who are out in the field that will keep them safe.

Sergeant Mike Edes, President of the Maine State Troopers Association, presented testimony at the public hearing for this bill saying that the rifles troopers currently use are woefully inadequate. When rifles are used, they are used in situations that involve threats to the troopers' safety: standoffs. Just Monday, a motorist was stopped and he threatened to kill anyone who came close to him. As it turned out, he only had a BB gun and a lighter that looked like a pistol, but Sergeant Edes testified about other times when rifles have had to be used. One month ago, police were called to a Chesterville home because there was a man who had been charged with domestic violence, stalking, had barricaded himself in his former girlfriend's home. In 1997, a man barricaded himself in his home with his two young daughters in Hampden. These are the people who scare me. These are the people who make me worry for the safety of our state troopers.

One trooper harmed or killed in the line of duty, because he or she did not have the proper weapons, is one too many. The 9 mm rifles that troopers currently use were at one time practical because the rounds were interchangeable with their side arms. That is no longer the case. It is time to update their weapons. Please follow my light. Thank you. Madam Speaker, I request a roll call.

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

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

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

Representative **BURNS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I want to, first of all, thank the Representative from Biddeford, Representative Beaudoin, for working so hard to bring this bill forward to the House and her tireless efforts to provide another mode of safety for your state troopers. This is a good bill, I believe, for a very small amount of money. In fact, that amount of money is going to be derived from drug forfeiture money, so it has a good path to follow to provide some extra safety for the troopers.

As Representative Beaudoin indicated, these 9 mm rifles were, at one time, adequate weapons, but they aren't any more. They were designed to be compatible with the 9 mm pistols, which were issued back when good Representative Davis and myself were still on the department. That's no longer the case. They don't carry these side arms anymore, so they are incompatible with the 9 mm rifles, and the 9 mm rifles are not adequate firepower for the situations that are faced today in criminal justice, so I think this is a very opportune time and a very

good effort. These weapons that are going to be purchased over a period of time are very appropriate for the safety of the officers and the public safety, and each officer will be eventually equipped with these and properly trained to use them. I think this is a very good effort, and I thank the Representative and thank you for the floor.

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

ROLL CALL NO. 98

YEA - Adams, Austin, Ayotte, 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, Davis, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Eves, Finch, Flaherty, Flemings, Fletcher, Flood, Fossel, Gifford, Gilbert, Giles, Goode, Hamper, Harlow, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Innes Walsh, Johnson, Jones, Joy, Kaenrath, Kent, Knapp, Knight, Kruger, Lajoie, Langley, Legg, Lewin, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McFadden, McKane, McLeod, Miller, Millett, Morrison, Nass, Nelson, Nutting, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, 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, Wheeler, Willette, Wright, Madam Speaker.

NAY - Hanley.

ABSENT - Beaudette, Celli, Cushing, Fitts, Greeley, Hunt, Pratt, Webster.

Yes, 142; No, 1; Absent, 8; Excused, 0.

142 having voted in the affirmative and 1 voted in the negative, with 8 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-322) was READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Tuesday, May 26, 2009.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-323)** on Bill "An Act To Establish a Model Dating Violence Prevention Policy"

(H.P. 760) (L.D. 1105)

Signed:

Senators:

ALFOND of Cumberland
SCHNEIDER of Penobscot

Representatives:

CASAVANT of Biddeford
LOVEJOY of Portland
McFADDEN of Dennysville
NELSON of Falmouth
RANKIN of Hiram
WAGNER of Lewiston

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

Signed:

Senator:

WESTON of Waldo

Representatives:

SUTHERLAND of Chapman
FINCH of Fairfield
JOHNSON of Greenville
RICHARDSON of Carmel

READ.

Representative SUTHERLAND of Chapman 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 **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Allow the Importation of Wine into the State for Individuals through Specific Ports of Entry"

(H.P. 911) (L.D. 1308)

Signed:

Senators:

SULLIVAN of York
PLOWMAN of Penobscot
GOODALL of Sagadahoc

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-324)** on same Bill.

Signed:

Representatives:

TRINWARD of Waterville
CAREY of Lewiston

READ.

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

CONSENT CALENDAR

First Day

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

(S.P. 428) (L.D. 1156) Bill "An Act To Amend the Laws Governing the Recycling of Televisions" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-170)**

(H.P. 331) (L.D. 443) Bill "An Act To Increase the Jurisdictional Limit for Small Claims" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-335)**

(H.P. 471) (L.D. 657) Bill "An Act To Allow the Award of Court Costs or Attorney's Fees in Protection from Harassment Actions" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-336)**

(H.P. 601) (L.D. 870) Bill "An Act To Improve Transportation for Veterans" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-342)**

(H.P. 653) (L.D. 950) Bill "An Act To Amend the Maine Estate Tax" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-334)**

(H.P. 824) (L.D. 1200) Bill "An Act To Streamline the Process for Court-ordered Mental Health Examinations in Criminal Cases" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-337)**

(H.P. 887) (L.D. 1268) Bill "An Act To Update the Site Location of Development Laws" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-339)**

(H.P. 888) (L.D. 1269) Bill "An Act To Clarify the Laws Regarding Significant Groundwater Wells" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-340)**

(H.P. 959) (L.D. 1369) Bill "An Act To Amend the Charter of the Clinton Water District" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-338)**

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

(S.P. 319) (L.D. 811) Bill "An Act To Amend Certain Provisions of Fish and Wildlife Laws" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-168)**

On motion of Representative WATSON of Bath, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ**.

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

**CONSENT CALENDAR
Second Day**

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

(H.P. 673) (L.D. 971) Bill "An Act To Amend the Laws Governing Liquor Liability and Licensing" (C. "A" H-325)

(H.P. 890) (L.D. 1271) Bill "An Act To Generate Savings by Changing Public Notice Requirements" (C. "A" H-330)

(H.P. 903) (L.D. 1300) Bill "An Act To Establish Head Injury Safety Requirements for School Athletic Programs" (C. "A" H-319)

(H.P. 916) (L.D. 1313) Bill "An Act To Restructure the State Planning Office" (C. "A" H-329)

(H.P. 928) (L.D. 1324) Bill "An Act To Adopt the Interstate Compact on Educational Opportunity for Military Children" (C. "A" H-318)

(H.P. 950) (L.D. 1349) Bill "An Act To Streamline Ratemaking for Consumer-owned Water Utilities" (C. "A" H-320)

(H.P. 1025) (L.D. 1474) Bill "An Act To Assist Maine Workers and Businesses in Succeeding in a Changing Economy" (C. "A" H-321)

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

**BILLS IN THE SECOND READING
House**

Bill "An Act To Promote Small Business in Rural Maine by Expanding Game Hunting Opportunities"

(H.P. 326) (L.D. 438)

Resolve, Regarding the Maine State Cultural Building in Augusta

(H.P. 1033) (L.D. 1480)

House as Amended

Bill "An Act To Create a Large Game Shooting Area in Piscataquis County"

(H.P. 252) (L.D. 316)

(C. "A" H-236)

Bill "An Act To Amend the Laws Concerning Licensure Qualifications of Independent Practice Dental Hygienists"

(H.P. 309) (L.D. 421)

(C. "A" H-326)

Bill "An Act To Amend the Private Way Laws with Regard to Road Associations"

(H.P. 918) (L.D. 1315)

(C. "A" H-316)

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

Bill "An Act To Repeal Inactive Boards and Commissions"

(H.P. 873) (L.D. 1254)

(C. "A" H-328)

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 Amend the Retail Tobacco and Liquor Licensing Laws

(S.P. 165) (L.D. 462)

(C. "A" S-83; S. "A" S-163)

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. 140 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

Resolve, Regarding Building Energy Efficiency and Carbon Performance Ratings

(S.P. 357) (L.D. 935)
(C. "A" S-155)

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

Representative TARDY of Newport **REQUESTED** a roll call on **FINAL PASSAGE**.

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

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

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

ROLL CALL NO. 99

YEA - Adams, Austin, Ayotte, 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, Davis, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Eves, Finch, Flaherty, Flemings, Fletcher, Flood, Fossel, Gifford, Gilbert, Giles, Goode, Greeley, Hamper, Hanley, Harlow, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Innes Walsh, Johnson, Jones, Kent, Knapp, Knight, Kruger, Lajoie, Langley, Legg, Lewin, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McFadden, McKane, McLeod, Miller, Millett, Morrison, Nass, Nelson, Nutting, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Pinkham, Piotti, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Robinson, Rosen, 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, Wheeler, Willette, Wright, Madam Speaker.

NAY - Joy.

ABSENT - Beaudette, Celli, Cushing, Fitts, Hunt, Kaenrath, Pratt, Rotundo, Webster.

Yes, 141; No, 1; Absent, 9; Excused, 0.

141 having voted in the affirmative and 1 voted in the negative, with 9 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Increase Child Support Collection by Expanding the New Hire Reporting Requirements

(S.P. 96) (L.D. 300)
(C. "A" S-117)

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)

An Act To Allow Qualified, Licensed Denturists To Practice to the Level of Their Educational Training

(H.P. 493) (L.D. 710)
(C. "A" H-272)

An Act Regarding Subrogation of Medical Payments Coverage

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

An Act To Change the Maine HIV Advisory Committee

(H.P. 596) (L.D. 865)
(C. "A" H-243)

An Act To Regulate the Use of Traffic Surveillance Cameras

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

An Act To Amend the Laws Governing Games of Chance

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

An Act To Add Unlicensed Assistive Persons with Notations to the Maine Registry of Certified Nursing Assistants

(H.P. 993) (L.D. 1417)

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, To Study Safety Measures Relating to Open Trenches and Excavations

(H.P. 756) (L.D. 1094)
(C. "A" H-269)

Resolve, Directing the Bureau of Maine Veterans' Services To Report on Homeless Veterans

(H.P. 765) (L.D. 1110)
(C. "A" H-265)

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 To Allow the Town of Baldwin Eligibility for Full Pine Tree Development Zone Benefits

(S.P. 90) (L.D. 267)
(C. "A" S-156)

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

On motion of Representative SMITH of Monmouth, was **SET ASIDE**.

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

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 **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative TARDY of Newport, 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. 100

YEA - Adams, Ayotte, Beaudoin, Beck, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Burns, Butterfield, Cain, Campbell, Carey, Casavant, Clark H, Clark T, Cleary, Cohen, Connor, Cornell du Houx, Cray, Crockett J, Crockett P, Davis, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Eves, Finch, Flaherty, Flemings, Fletcher, Fossel, Gilbert, Giles,

Goode, Greeley, Hanley, Harlow, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Innes Walsh, Kaenrath, Kent, Kruger, Lajoie, Langley, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McFadden, Miller, Morrison, Nelson, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pinkham, Piotti, Prescott, Priest, Rankin, Rosen, Rotundo, Russell, Sanborn, Saviello, Schatz, Shaw, Sirois, Smith, Stevens, Stuckey, Sutherland, Tardy, Theriault, Tilton, Treat, Trinward, Tuttle, Valentino, Wagner J, Wagner R, Watson, Weaver, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Austin, Beaulieu, Bickford, Browne W, Cebra, Chase, Cotta, Crafts, Curtis, Cushing, Flood, Gifford, Hamper, Johnson, Jones, Joy, Knapp, Knight, Lewin, McKane, McLeod, Millett, Nass, Nutting, Pilon, Plummer, Richardson D, Richardson W, Robinson, Sarty, Sykes, Thibodeau, Thomas, Van Wie.

ABSENT - Beaudette, Celli, Fitts, Hunt, Pratt, Strang Burgess, Webster.

Yes, 110; No, 34; Absent, 7; Excused, 0.

110 having voted in the affirmative and 34 voted in the negative, with 7 being absent, and accordingly and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

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.

SENATE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (S-125)** - Minority (5) **Ought Not to Pass** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Improve the Use of Data from the Controlled Substances Prescription Monitoring Program"

(S.P. 494) (L.D. 1359)

- 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-125)**.

TABLED - May 7, 2009 (Till Later Today) by Representative PERRY of Calais.

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

The SPEAKER: The Chair recognizes the Representative from Oakland, Representative Nutting.

Representative **NUTTING**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I rise today to tell you a little bit about the Prescription Monitoring Program and the life of a pharmacist working in a retail bench today. For almost the last 40 years, that's what I've done. In addition to that, I also served several years on the Substance Abuse Commission, appointed by the Speaker of the House. In the 40 years that I've been working bench in retail pharmacy, I've seen everything. Well, I haven't see everything; I haven't seen a holdup, thank god, but I've seen robberies, I've seen forged prescriptions, I've had people arrested for forging prescriptions, I've talked to physicians who weren't aware that their patients were forging prescriptions, and I'm sure that, more often than not, I've been fooled by people using bad prescriptions.

In 2003, the Prescription Monitoring Program was put in place by this Legislature to identify overuse of narcotics and doctor shopping. Doctor shopping, I'm sure you know, is when an individual will go to one doctor, maybe their primary care physician and get a prescription for something, they've got some pain, they need some Vicodin or some other prescription medication, they get that, then they go to the emergency room with bandages on and their arm in a sling. From that emergency room physician, they get another prescription, maybe for some Vicodin or maybe for something else. There are a number of ways to trick the system. Some people have multiple doctors, more than just two, for five, six, seven; they go all over the State of Maine; they come from other states to get prescriptions filled here.

As a result of the Prescription Monitoring Program, every pharmacy in the State of Maine submits to the Office of Substance Abuse, on a regular basis, I believe it's weekly, electronically, the data on all controlled substances filled in the State of Maine. Not all prescriptions are controlled. If you take or you know someone who takes Lipitor or high blood pressure medicine, or insulin or something else for diabetes, those prescriptions are not transferred. But anything for controlled substances and you can think of morphine, OxyContin, methadone, Vicodin, medications to help you sleep, those are all, by law, mandated that every week that information is transmitted to the Office of Substance Abuse. It doesn't matter whether that person has Anthem, MaineCare, pays out of their wallet, it doesn't matter. All the drugs in that category are sent to the Office of Substance Abuse.

One of the problems we're having with people is some people are not very good at this, fooling the system. They'll go to a doctor, a MaineCare patient, or someone on other insurance, let's pick Anthem, for instance. If you have an Anthem card like most of us do, you go to a physician and you get a prescription for Vicodin and then, the next day, you go to the emergency room and you get another prescription for the same thing from a different doctor, you then go to a completely different pharmacy, at opposite ends of the state or different chains or independent, and there you get that prescription filled and use your card again. As soon as you use that card, prescriptions are translated electronically back and forth to Anthem. They know exactly where you got what, how many you got, and they know enough to stop you from getting it again, unless you can justify that you have a good reason to do that. Those are the people who aren't very good at it.

The people who are really good at it, particularly the professional shopper, if they have a MaineCare card, they will go to a Rite Aid with a prescription for morphine, they'll get it filled. They'll use their MaineCare card, they'll pay the deductible, they'll go home, or they'll go back to their car and they'll get another prescription for morphine or OxyContin or something. Then they'll go to a Wal-Mart pharmacy. They'll present the prescription and when the technician says do you have any insurance coverage or MaineCare, they'll say no I don't, and they'll fill the prescription and they'll pay for it with cash. I've seen people reel out a wad of \$100 bills that none of us have ever seen to pay for OxyContin, and then, subsequently, we find out that just the day before they used their MaineCare card and maybe the day before that. Some people have MaineCare and other insurance. They'll use their MaineCare card one day, Anthem the next and pay cash the third day. So you can see the people who are really good at this abuse the system.

The Prescription Monitoring Program was established in 2003 to help people with their addiction problems, to get the excess narcotics off the streets, out of the schools. Because it was

designed to be a mechanism of helping the patient get into some kind of treatment, law enforcement was specifically let out of the equation. Law enforcement, in general, can walk into a pharmacy and ask about someone that they're investigating and get a list of their prescriptions, get to see their prescriptions and make copies of them, but not in the case of the PMP lists. They can't request the lists. The Board of Pharmacy, through its inspectors, can send pharmacy inspectors into a pharmacy and ask for records like PMP lists, if they have an ongoing investigation. So they can come look and see if John Doe is in fact doctor shopping and violating the law, but they can't ask for a run of everybody who lives on Water Street. Law enforcement can only get access to PMP lists through the Attorney General's Office, subsequent to a subpoena.

The problem that we're trying to address by this legislation, I think, is to get those people who are abusing the system help, help with their own addiction if that's why the abuse is happening, and, just as importantly, helping to get drugs out of the schools and off of the streets. Maine's number one problem with drugs is not heroin, it's prescription medication. Prescription medications are easy to sell because it's stamped right on them, you know they're good, you don't have to figure who cut what or whether it's good stuff or not, it's all good stuff. So in an effort to manage that, while still adhering to the intent of the original legislation that this not be used for law enforcement, instead I see this as an opportunity for the MaineCare system to help more people, to stop doctor shopping, and to get the drugs off of our streets and out of our schools.

I have grandchildren, I have five grandchildren, and one of the things that worries me the most is that they will be subjected to someone selling narcotics to them that came out of a pharmacy that I work at because we had no way to stop them, no way to control them. So I don't think this is overreaching. I think this is a good balance, and I would encourage you to oppose the motion before you, the Ought Not to Pass. Thank you, Madam Speaker.

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. LD 1359 was brought forward out of a concern for the growing number of abuses related to prescription drugs, whether it's related to substance dependency or drug trafficking for profit. The genesis of the bill came out of a concern that people are getting multiple prescriptions from multiple physicians and using different pharmacies to fill the prescriptions. The recipient may use their insurance card legitimately at one pharmacy and then go to another pharmacy, buy the prescriptions with cash and either take them or sell them. This has been a recognized practice for some time. Previous Legislatures have attempted to address the abuses for the purpose of bringing people into treatment. One such attempt was implementing the Prescription Monitoring Program that you've heard a bit about.

Since 2005, pharmacies have been required to report the dispensing of all scheduled drugs into a database known as the Prescription Monitoring Program, administered by the Office of Substance Abuse, under contract with Goold Health Systems. The primary purpose of the Prescription Monitoring Program is to permit doctors to check on where the patients are getting the narcotics. Unfortunately, many doctors do not use the system, and the system kicks out a warning to doctors only when a patient has obtained drugs from at least five different sources within a short period of time. At present, only providers, pharmacists and the state medical examiner have access to the Prescription Monitoring Program.

While MaineCare monitors the dispensing of narcotic drugs through its own database. Unfortunately, it is well understood by drug traffickers that MaineCare has no ability to monitor purchases for cash, even though the information about such purchases resides side by side with MaineCare's own database within the Goold computers. When it appears that a patient has been obtaining too many drugs from more than one pharmacy, the Department of Health and Human Services brings them into treatment and poses a "lock in" constrain on their MaineCare account. This is to address the abuses that Representative Nutting had outlined. People are not driven off MaineCare. They are brought into care, their access to MaineCare narcotics is limited, and their condition is monitored.

What LD 1359 is asking us to do is authorize MaineCare to be able to talk with the database that the Office of Substance Abuse uses. The purpose of this increased collaboration between the offices would be to identify those that are abusing the system and bring them into treatment. The intent of the bill has never been to identify people in order to punish them. On the contrary, the purpose of the enhanced system would be to identify the purpose for the purpose of treatment.

It is for this reason I ask you to support the Majority Report by voting no on the motion to Accept the Minority Report. I will leave you with an excerpt from the Maine Primary Care Association which was persuasive in my decision to support the bill:

"The Maine Primary Care Association supports the passage of LD 1359 as an appropriate revision to a public asset that has been vital to curbing patient abuse of narcotics and other controlled substances and thereby also reducing the possibility of diversion. The additions to the statutes governing the Prescription Monitoring Program provide important updates, integrate information from other state databases, and give appropriate access to parties with a need to know. The proposed legislation will strengthen the value of the Monitoring Program and enhance it as an asset for primary care providers in their work with their patients."

With this, I ask you to vote no and defeat the pending motion and support the Majority Report. Thank you.

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

Representative **PERRY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I am speaking up in favor of the Ought Not to Pass Report. I was the author of the bill, of the Prescription Monitoring Program that came forward, and it was a collaboration between a number of parties. One of the biggest concerns was the right of privacy. I had to work with the Maine Civil Liberties Association and with the Maine Cancer Society for the fear that this would be used against people who truly need the medication that they are getting. This Monitoring Program monitors class II through IV drugs, which also includes cough medicine with codeine; also, sleeping pills, benzodiazepines and ADHD drugs, Ritalin, Adarol, that kind of stuff. The concerns that I have with opening up the program to allow a payor to sweep the program to look at who is paying cash opens it to every payor that may exist. It's a precedent I have some real concerns about.

The other thing is my conversation, when we were doing this bill, with the head of MaineCare, at that time, is that they wanted to get in, they wanted to know who was paying cash, it was going to be a means test and they were going to be dropped from MaineCare. My biggest concern is there's no guarantee that won't happen. So what do we do with somebody who is actually paying cash and doubling up? We drop them from the ability to pay for treatment? Because that's going to make sure that they stay on the street, that's going to make sure that they are still

dealing drugs and probably helping other people. We open this to one payor, how can we deny it to any other? The concerns about privacy are really significant.

The other thing is, if this information gets spread by somebody who has the right to get into that program, and they do it outside of the realm of their job, that is a Class D crime. This is protection of privacy. This is about getting people to the help that they need to get. If the issue is what are the triggers, let's change those triggers so those triggers get brought to the providers much quicker, my biggest concern is that we're going to jeopardize privacy, we're going to open it up to an awful lot more, and we're going to prevent the very thing we want to happen is access to treatment. So I ask you that you vote for the Ought Not to Pass.

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

Representative **STRANG BURGESS**: Thank you, Madam Speaker. Madam Speaker, Men and fellow Members of the House. I rise to ask for your consideration and to please vote red on this and to support the Majority Ought to Pass Report, or to not support the current report on the floor, and in respect indifference to my House chair, we've had just an amazing session of many different subjects, I'm a freshman on HHS, and Representative Perry is a wealth of information about many of our issues. This particular issue, however, is one that crosses over for me into, we have these sort of problems in our state, drug addictions and multiple ways to get prescriptions and cash versus the other systems and all of that, and yet we have the tools to kind of understand that and this is about helping the person, because if you are getting multiple prescriptions and paying cash and doing that, you probably need some help. So this is really about making sure that we can give them the help, and, remember folks, we have incredible confidentiality laws on the books, they're called HIPAA, and I think everyone has been to their doctor's office and in the hospitals and all that and you have to sign just about every time you turn around. Those are obviously in place here, so we really do have good confidentiality, and it's about letting folks help individuals who need some help. So I would ask you to follow my light, red, and please support and go with the Majority. Thank you.

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

Representative **LEWIN**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Senator Mills brought this bill because he recognizes the serious problem we have with substance abuse in the State of Maine. It isn't just drugs, it's alcohol as well. But the drug problem is acute, and it's acute everywhere in Maine. I support the bill. I think it's a very good thing. I'm concerned about privacy as well; I think confidentiality is a really important thing. But I think that people who are being treated for drug abuse should not be allowed to run around the state willy-nilly and have prescriptions and not be challenged for that. We pay for that. It's a huge amount of money. We have meth clinics all over this state. That's a huge, huge cost of the state; it's millions of dollars. We pay transportation to get people with substance abuse issues to get to their clinics, to get their methadone. Sometimes it's daily, sometimes it's every couple of days, sometimes it's once a week and they get a supply of it. There are a lot of ways to get around the law and to get your drugs, and, frankly, I think we need to do something to stop it. I am more concerned about stopping it and putting the breaks on the spending and doing something to cure these people of their addiction problems than I am the fact that they may feel that their confidentiality has been breached. I don't believe for an instant anybody is going to be thrown off

MaineCare, I absolutely don't buy that argument. We are very busy putting people on MaineCare, we can't put enough people on MaineCare, we can't spend enough on MaineCare. Well, it's time we took a long look at some of the things that we don't do well enough, and, in my opinion, we do not control substance abuse well enough here, and this is just a means of putting the brakes on of it and trying to identify those people with the most acute problems and get them some help and get them off these drugs that are really destroying their lives. Thank you, Madam Speaker.

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. I am urging this body to defeat the pending motion. We worked very hard on LD 1359, when it came before our committee. The intent was clear: to try to provide the information tools needed to investigate and identify people in Maine who are abusing prescription drugs and require treatment.

The original bill was complicated but the intent was important, so we worked hard to simplify the bill and make actions permissible without being proscriptive. This bill simply gives the state's MaineCare program administrators the ability to collect prescription information in order to match that data with other information already collected about prescriptions that have been purchased with cash. This is not profiling, this is not means testing. This is a tool that can be used to investigate a serious crime.

Prescription drug abuse is a serious problem in our state. I have great concerns about it in my own community in western Maine, but don't take my word for it. Here's what our esteemed, former colleague, now Attorney General, Janet Mills has to say, and I quote: "Prescription drug diversion is an epidemic and carries enormous economic and social consequences in Maine. The carefully constructed language of the amendment to LD 1359 will allow MaineCare to prevent doctor shopping by individuals who are abusing prescription drugs. This amendment will save taxpayers money while protecting the confidentiality of patient information."

This bill is one more tool that can be used to combat this growing problem in Maine communities. We should support this legislation. Let's be sure to give our law enforcement officers and prosecutors the tools they need to curtail these illegal activities, and I urge you to vote against the pending motion. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Mount Vernon, Representative Jones.

Representative **JONES**: Thank you, Madam Speaker. Madam Speaker, Members of the House. With all due respect to our chair of the Committee for Health and Human Services, I do rise and concur with all the members on my committee, who just spoke in support of the original bill, to allow us to move forward to track these individuals who are abusing the system. I listened to all of the testimony that was provided to our committee, and I think a clear case was made for us to move forward with this. I have, in the past, served on a major substance abuse prevention committee here in central Maine, and it was made very clear to me that our major substance problem is prescription drugs, particularly in our young adults. I think it's only the right thing to do from a public health perspective to try to help these individuals get identified and move them into treatment. I do not feel that this will interfere with their individual rights and privacy, and I encourage you to vote red on Ought Not to Pass. Thank you.

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

Representative **CONNOR**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I rise in opposition to the current motion. I want to point out that I am rising today to agree with the good Representative of Eliot here on this floor. This bill, when I look at it, I say we have folks that we need to help and we do help them, we have folks that are on MaineCare, we help them with their medical care, but when folks are cheating the system, which is something that I think there is a concern about, that if folks are out filling prescriptions one day with their MaineCare card, the next day with cash, potentially selling that drug, they're hurting the people that are on the system for the right reasons, that need our help. So this bill goes beyond, you know, are we profiling? No, I don't believe we are. But are we helping to identify people that need additional medical care and that hurt our system? Yes, we are. So I urge you all to follow my light, vote red, and Madam Speaker, I wish a roll call.

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

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

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

Representative **EVES**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I think I just want to clarify a couple of quick things before we do vote on this: My intention in supporting this bill, again, is about treatment. It's not about targeting; it's not about kicking people off of MaineCare, that's the last thing I want to do, quite honestly. I want to help people and this is what it does, is bring people into treatment.

Related to the confidentiality concerns, Medicaid already has access to health information for their members. Also, such information is very highly protected by HIPAA and state law with criminal sanctions for inappropriate disclosure. This bill would simply add the Prescription Monitoring Program, information to the records of those same patients whose medical information is already within the custody of authorized personnel inside of DHHS. With that, I will be quiet and, again, ask for your vote no on the Minority Report. Thank you.

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

ROLL CALL NO. 101

YEA - Boland, Bryant, Cain, Carey, Harlow, Haskell, Hinck, Martin JR, Martin JL, McCabe, O'Brien, Pendleton, Percy, Perry, Pieh, Priest, Rotundo, Stuckey, Sutherland, Treat, Trinward, Valentino, Wagner J, Watson, Welsh, Wheeler, Wright, Madam Speaker.

NAY - Adams, Austin, Ayotte, Beaudoin, Beaulieu, Beck, Berry, Bickford, Blanchard, Blodgett, Bolduc, Briggs, Browne W, Burns, Butterfield, Campbell, 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, Flaherty, Flemings, Fletcher, Flood, Fossil, Gifford, Gilbert, Giles, Goode, Greeley, Hanley, Harvell, Hayes, Hill, Hogan, Innes Walsh, Johnson, Jones, Joy, Kaenrath, Kent, Knapp, Knight, Kruger, Lajoie, Langley, Legg, Lewin, Lovejoy, MacDonald, Magnan, Mazurek, McFadden, McKane, McLeod, Miller, Millett, Morrison, Nass, Nelson, Nutting, Peoples, Peterson, Pilon, Pinkham, Piotti, Plummer, Prescott, Rankin, Richardson D, Richardson W, Robinson, Rosen, Russell, Sanborn, Sarty, Saviello, Schatz, Shaw, Sirois, Smith, Stevens,

Strang Burgess, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tilton, Tuttle, Van Wie, Wagner R, Weaver, Willette.

ABSENT - Beaudette, Celli, Fitts, Hamper, Hunt, Pratt, Webster.

Yes, 28; No, 116; Absent, 7; Excused, 0.

28 having voted in the affirmative and 116 voted in the negative, with 7 being absent, and accordingly the Minority **Ought Not to Pass** Report was **NOT ACCEPTED**.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-125)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 26, 2009.

Bill "An Act To Increase Youth Boating Safety"

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

- In House, Majority (11) **OUGHT TO PASS AS AMENDED** Report of the Committee on **INLAND FISHERIES AND WILDLIFE READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-274)** on May 18, 2009.

- In Senate, Minority (1) **OUGHT NOT TO PASS** Report of the Committee on **INLAND FISHERIES AND WILDLIFE READ** and **ACCEPTED** in **NON-CONCURRENCE**.

TABLED - May 20, 2009 (Till Later Today) by Representative **CLARK** of Millinocket.

PENDING - FURTHER CONSIDERATION.

On motion of Representative **CLARK** of Millinocket, the House voted to **INSIST**.

HOUSE REPORT - Ought to Pass as Amended by Committee Amendment "A" (H-304) - Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act Relating to Interference with Navigation on Inland Waters"

(H.P. 303) (L.D. 415)

TABLED - May 20, 2009 (Till Later Today) by Representative **WATSON** of Bath.

PENDING - ACCEPTANCE OF COMMITTEE REPORT.

Subsequently, the Unanimous Committee Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-304)** was **READ** by the Clerk and **ADOPTED**.

The Bill was assigned for **SECOND READING** Tuesday, May 26, 2009.

Bill "An Act To Allow a Court To Award Attorney's Fees in Successful Freedom of Access Appeals"

(S.P. 254) (L.D. 679)

(C. "A" S-135)

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-135)**.

TABLED - May 20, 2009 (Till Later Today) by Representative **PIOTTI** of Unity.

PENDING - PASSAGE TO BE ENGROSSED.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-135)** in concurrence.

An Act To Empower Anglers in Fish Stocking Decisions
(H.P. 497) (L.D. 714)
(C. "A" H-246)

TABLED - May 20, 2009 (Till Later Today) by Representative WATSON of Bath.

PENDING - **PASSAGE TO BE ENACTED.**

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

An Act To Increase Snowmobile Registration Fees
(H.P. 559) (L.D. 823)
(C. "A" H-245)

TABLED - May 20, 2009 (Till Later Today) by Representative WATSON of Bath.

PENDING - **PASSAGE TO BE ENACTED.**

Representative PIOTTI of Unity **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. 102

YEA - Adams, Austin, Beaudoin, Beaulieu, Beck, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Butterfield, Cain, Campbell, Carey, Casavant, Cebra, Chase, Clark H, Clark T, Cleary, Cohen, Connor, Cornell du Houx, Crafts, Crockett J, Crockett P, Curtis, Davis, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Eves, Finch, Flemings, Flood, Fossil, Gilbert, Goode, Greeley, Hamper, Hanley, Harvell, Hayes, Hill, Hinck, Hogan, Innes Walsh, Johnson, Kaenrath, Kent, Knapp, Kruger, Lajoie, Langley, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, Miller, Millett, Morrison, Nass, Nelson, Nutting, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Pinkham, Piotti, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Rosen, Rotundo, Russell, Sanborn, Sarty, Schatz, Shaw, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Sykes, Tardy, Theriault, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Ayotte, Bickford, Browne W, Burns, Cotta, Flaherty, Fletcher, Gifford, Giles, Harlow, Jones, Joy, Knight, Lewin, McFadden, McKane, McLeod, Robinson, Saviello, Thomas, Tilton, Weaver.

ABSENT - Beaudette, Celli, Cray, Cushing, Fitts, Haskell, Hunt, Pratt, Thibodeau, Webster.

Yes, 119; No, 22; Absent, 10; Excused, 0.

119 having voted in the affirmative and 22 voted in the negative, with 10 being absent, and accordingly and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

SENATE PAPERS

The following Joint Order: (S.P. 563)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, May 26, 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.

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

The SPEAKER: The Chair recognizes the Representative from York, Representative Hill, who wishes to address the House on the record.

Representative HILL: Thank you, Madam Speaker. If I had been present for Roll Call No. 97, which is LD 1185, I would have voted yes. Thank you.

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

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

SENATE DIVIDED REPORT - Majority (15) **Ought Not to Pass** - Minority (10) **Ought to Pass as Amended by Committee Amendment "A" (S-165)** - Committee on **NATURAL RESOURCES** and the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act Regarding the Regulation of Agricultural Composting Operations" (S.P. 115) (L.D. 351)

Which was **TABLED** by Representative DUCHESNE of Hudson pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative TARDY of Newport **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 Bremen, Representative Pieh.

Representative PIEH: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I rise today, not to ask for a roll call or to ask for a division, just to let you know a little bit about this bill, and it did come, as you'll look in your calendar, from the other body in a particular position, so I'm not sure it's worth our time to spend a lot of time debating this, but I just wanted to let you know that agricultural composting is done on working farms and many working farms, and it's an increasingly part of our environmental and our economic agricultural communities. Agricultural composting takes care of wastes like manure, sawdust, leaves, fish and food waste; offal or awful, depending on how you want to say it; those kinds of things. It doesn't deal with any of the hazardous waste or some of those other materials that you might think about, sludge, all of that. That is all under DEP.

This bill came about because we're trying to figure out when would an agricultural composter come under the guidance of the DEP, and both departments worked hard together over the last two years to reach an understanding of how they would do that together and where they would put their thresholds for when a farm, an agricultural composter, comes under the regulation of the Department of Environmental Protection. I know that you all know this already, but the University of Maine, the Department of Environmental Protection and the Department of Agriculture run a composting school that is world renown. People come literally

from all over the world to go to this school and take home our skills in composting, so it's a very alive and active business here. We're trying to get more farmers to do it. I think that they are wary. They continue to be wary of being overseen by the Department of Environmental Protection, not because they don't do a good job, but because it's only in the last 10 years, I think, that the department has worked really hard and I congratulate them for that, to move beyond just regulating, to also be moving and an interface with people on how to do what they're doing well, where it affects our environment and, particularly, our water.

I'm rising to encourage no debate, and I guess there's a roll call. I hadn't planned to ask for that, but the Minority Report is simply allowing the committees to put out legislation next year, and one of the reasons is because they've created new rules and they've expanded a lot of the thresholds for agricultural composting. Some of us aren't sure those have gone far enough and that's all that is. So I thank you for your time and attention. I will say that another thing that makes me really encouraged about the eventual outcome of this is that the good Representative from Hudson, Representative Duchesne, who is House Chair of the Natural Resources Committee, and myself are going to be working between now and next session on this issue because it comes back and comes back and comes back, and we would like to see it stop and get it fixed. Thank you very much.

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

Representative **EDGEComb**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I think it's very simple. We should follow Representative Pieh's light, and I will summarize this for you: In agricultural composting, the expertise lies in the Department of Agriculture and it will help solve our problems. Thank you, Madam Speaker.

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

ROLL CALL NO. 103

YEA - Adams, Beck, Berry, Blanchard, Bolduc, Bryant, Butterfield, Cain, Carey, Cleary, Cohen, Connor, Cornell du Houx, Crockett P, Dill, Driscoll, Duchesne, Eaton, Eberle, Eves, Flaherty, Flemings, Gilbert, Giles, Goode, Haskell, Hayes, Hill, Hinck, Hunt, Innes Walsh, Kent, Knapp, Kruger, Lajoie, Legg, Lovejoy, Magnan, Martin JL, Mazurek, McCabe, Miller, Morrison, O'Brien, Pendleton, Percy, Priest, Rotundo, Sanborn, Shaw, Stuckey, Treat, Van Wie, Wagner R, Watson, Welsh, Wheeler, Wright, Madam Speaker.

NAY - Austin, Ayotte, Beaudoin, Beaulieu, Bickford, Blodgett, Boland, Briggs, Browne W, Burns, Campbell, Casavant, Cebra, Chase, Clark H, Clark T, Cotta, Crafts, Cray, Crockett J, Curtis, Cushing, Davis, Dostie, Edgcomb, Finch, Fletcher, Flood, Fossel, Gifford, Greeley, Hamper, Hanley, Harlow, Hogan, Johnson, Jones, Joy, Kaenrath, Knight, Langley, Lewin, MacDonald, McFadden, McKane, McLeod, Millett, Nass, Nelson, Nutting, Peoples, Perry, Peterson, Pieh, Pilon, Pinkham, Piotti, Plummer, Prescott, Rankin, Richardson D, Richardson W, Robinson, Rosen, Russell, Sarty, Saviello, Schatz, Sirois, Smith, Stevens, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tilton, Trinward, Tuttle, Valentino, Wagner J, Weaver, Willette.

ABSENT - Beaudette, Celli, Fitts, Harvell, Martin JR, Pratt, Webster.

Yes, 59; No, 85; Absent, 7; Excused, 0.

59 having voted in the affirmative and 85 voted in the negative, with 7 being absent, and accordingly the Majority **Ought Not to Pass Report was NOT ACCEPTED.**

Representative PIOTTI of Unity moved that the House **RECONSIDER** its action whereby the Majority **Ought Not to Pass Report was NOT ACCEPTED.**

Representative TARDY of Newport **REQUESTED** a roll call on the motion to **RECONSIDER** whereby the Majority **Ought Not to Pass Report was NOT ACCEPTED.**

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

On motion of Representative PIOTTI of Unity, **TABLED** pending his motion to **RECONSIDER** whereby the Majority **Ought Not to Pass Report was NOT ACCEPTED** and later today assigned. (Roll Call Ordered)

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

CONSENT CALENDAR

First Day

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

(S.P. 170) (L.D. 467) Bill "An Act To Exempt School Administrative District 12, School Union 37 and School Union 60 from the Laws Requiring School Administration Consolidation" (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-186)**

(S.P. 184) (L.D. 488) Bill "An Act To Address an Inequity in the Judicial Retirement System" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-174)**

(S.P. 265) (L.D. 690) Bill "An Act Concerning Domestic Violence and Firearms" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-181)**

(S.P. 322) (L.D. 853) Bill "An Act To Encourage Maine Residents To Attend Medical School and Practice in Maine" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-178)**

(S.P. 361) (L.D. 978) Bill "An Act To Extend the Jurisdiction of the Commission on Governmental Ethics and Election Practices to the Executive Branch" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-173)**

(S.P. 432) (L.D. 1184) Bill "An Act To Improve the Process for Recovering Personal Property and for Filing Actions Involving Consumer Credit" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-175)**

(S.P. 438) (L.D. 1190) Bill "An Act To Amend the Motor Vehicle Laws" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-176)**

(S.P. 452) (L.D. 1219) Bill "An Act To Correct Inequities for Certain Maine Community College System Employees in the Maine Public Employees Retirement System" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-183)**

(S.P. 504) (L.D. 1388) Bill "An Act Regarding the Licensing Fees for Certain Professional Programs" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-171)**

(S.P. 510) (L.D. 1391) Bill "An Act To Amend the Laws Governing Emergency Management" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-182)**

(S.P. 513) (L.D. 1429) Bill "An Act To Strengthen the Workplace Smoking Laws and Other Laws Governing Smoking" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-177)**

(S.P. 524) (L.D. 1440) Bill "An Act To Clarify the Purpose of the Notice Requirement of Land Taking by the Department of Transportation" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-184)**

(H.P. 717) (L.D. 1042) Bill "An Act To Continue To Reduce Mercury Use and Emissions" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-346)**

(H.P. 1007) (L.D. 1455) Bill "An Act To Establish the Maine Fuel Board" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-345)**

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-341)** on Bill "An Act To Provide for the Safe Collection and Recycling of Mercury-containing Lighting"

(H.P. 675) (L.D. 973)

Signed:

Senators:

GOODALL of Sagadahoc
 SIMPSON of Androscoggin
 SMITH of Piscataquis

Representatives:

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

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

Signed:

Representative:

AYOTTE of Caswell

READ.

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

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

Representative **AYOTTE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I'm fully aware that LD 973 is not the most important bill that we're going to be considering this session, and I do plan to perhaps support it. I feel it's probably the best we can do at this time. I know that it pales in importance compared to the budget or school consolidation or the vast difference between revenues and expenditures; however, the reason I felt it necessary to present another point of view is because of the manner in which the LD 973 evolved.

We were initially told by Efficiency Maine and other entities that these CFLs, or compact florescent lights, would be the answer to many of our energy problems. They would reduce our electric bill, they perhaps did. They would reduce our dependence on foreign oil, that's debatable. They would reduce our carbon footprint, along with other benefits. I bought into the deal myself and many people did to the point of probably 25 or 30 of these CFL bulbs. I know a number of other people did also. Now, much later, Madam Speaker, we discover that they're dangerous to sit by, either to read or relax. We find that we should not stay in a room if they're broken, definitely not vacuum them up, and put on a breather if you're going to pick up the debris. If they fall and break on a rug, you have to cut out that part of the rug and replace that part of the rug. They should not be put into children's rooms, where they run a greater risk of being broken. Now we find that Efficiency Maine no longer wishes to participate in the cost of recycling, but place the burden on industry.

Furthermore, according to the bill, if the industry did not comply with this mandate, they will be unable to do any business in Maine, sell any type of lighting equipment. Efficiency Maine did not mind charging 1.45¢ per kilowatt, per ratepayer to build up a money chest of over \$14 million per year. I think they were pushing the program to a great extent or we were pushed into the program by a great extent, they should continue to at least contribute to the cost of recycling. The cost will go directly back to the consumer and, that again, ends up in the consumer paying the price. It should be divided at least between Efficiency Maine and at least some of it may lie on the industry, but whatever the industry will charge, to a greater extent, will end up being the cost to the consumer. Thank you, Madam Speaker.

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

Representative **DUCHESNE**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. As you can see, we were one short of a unanimous report on this, and this is really a testament to how hard the committee worked on this bill, and they really did. I think I'm probably prouder of our committee with this bill than all others because we worked it multiple work sessions, and this bill in fact did evolve.

When it first came to us, it was pretty much a producer responsibility bill, and we all recognize the difficulties of the mercury that is contained in a household product that is then discarded and where it ends up in incinerators and landfills, which releases mercury to the environment. So we all easily recognized what the problem was. The solution that we finally came up with was not a producer responsibility, where the producer has to take all the problems on to itself. This is actually a shared responsibility model that we moved to. The communities are going to have to participate in collecting these; there is going to be some Efficiency Maine money to help, as it has been already, with education about the need to get these out of the waste stream. So we did move to that model. I could spend a few minutes talking about that, but it's not necessary. I see that Senator Raye and Representative Berry have given you

a sheet on your desks right now that will explain more in detail how this bill did evolve to something that virtually all of us could support. Thank you, Madam Speaker.

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

Representative **BOLDUC**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. Just a few comments on this bill. Rather than reinvent the wheel, our committee looked to Maine's hugely successful computer recycling "e-waste" program as a model. That program has saved Maine people about \$4.5 million, kept over 1.5 million pounds of lead, plus significant amounts of mercury and other toxic chemicals out of Maine's air and water, and ensured safe recycling of over 14 million pounds of toxic electronic waste.

Like Maine's "e-waste" program, the compact fluorescent recycling bill relies on a common-sense model based on shared responsibility, with manufacturers paying for the collection and safe recycling of their spent products. It only makes sense to ensure that the companies that use mercury to manufacture CFL bulbs, put them on the market, profit from their sale, and can recycle all of the bulb components into new products, should play a central role in a shared responsibility CFL recycling program here in Maine.

In addition, the bill would set standards to reduce mercury levels in lighting sold in Maine, thus lowering potential hazards. Incredibly, there is 30 times more mercury in some CFLs than others, so we want to ensure Maine families are using those bulbs with the lower levels. And, finally, the bill would take steps to create a collection program for Maine businesses next year.

All in all, this bill is designed to save Maine families money to ensure the protection of our environment for future generations. What more could one ask for? Thank you.

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

Representative **HAMPER**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I just want the body to know that I came along with this one kicking and screaming the whole way. Thank you.

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

Representative **BERRY**: Thank you, Madam Speaker, Men and Women of the House. Madam Speaker, this bill is one that I sponsored because, as a former member of the Utilities and Energy Committee, I was very proud of the work that our PUC and Efficiency Maine, specifically, has done to provide people with the opportunity to save money on the average \$32 per bulb by purchasing compact fluorescent light bulbs in Maine, and, also, because Maine had a wonderful program that it enacted in a previous Legislature, first in the nation to allow for the effective producer-based recycling of electronic waste. It has been a highly successful program on which this bill is modeled. It's a very simple program. I appreciate the hard work of the committee, including the good Representative from Oxford, who came along kicking and screaming. I just want to let you know that the floor sheet that went around does have a very significant list of folks who have asked that you support this bill. I realize that not everyone has received it, but I hope you'll take a look if you did. Madam Speaker, when the vote is taken, I ask that it be taken by the yeas and nays.

Representative BERRY of Bowdoinham **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. 104

YEA - Adams, Austin, Beaudoin, Beaulieu, Beck, Berry, Bickford, Blanchard, Blodgett, Bolduc, Briggs, Browne W, Bryant, Butterfield, Cain, Carey, Casavant, Cebra, Chase, Clark H, Clark T, Cleary, Cohen, Connor, Cornell du Houx, Cray, Crockett J, Crockett P, Curtis, Cushing, Davis, Dill, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Eves, Finch, Flaherty, Flemings, Fletcher, Flood, Fossel, Gilbert, Giles, Goode, Greeley, Hamper, Hanley, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Knapp, Knight, Kruger, Lajoie, Langley, Legg, Lewin, Lovejoy, MacDonald, Magnan, Martin JL, Mazurek, McCabe, McKane, McLeod, Miller, Millett, Morrison, Nass, Nelson, Nutting, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, 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, Tilton, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Ayotte, Boland, Burns, Campbell, Cotta, Crafts, Dostie, Gifford, Joy, McFadden, Pinkham, Thomas, Weaver.

ABSENT - Beaudette, Celli, Fitts, Harvell, Johnson, Martin JR, Pratt, Webster.

Yes, 130; No, 13; Absent, 8; Excused, 0.

130 having voted in the affirmative and 13 voted in the negative, with 8 being absent, and accordingly the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-341)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 26, 2009.

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Exempt Military Pensions from Income Tax"

(H.P. 161) (L.D. 196)

Signed:

Senators:

PERRY of Penobscot
BLISS of Cumberland

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-332)** on same Bill.

Signed:

Senator:

NASS of York

Representatives:

LANGLEY of Ellsworth
CHASE of Wells
KNIGHT of Livermore Falls

READ.

Representative WATSON of Bath moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative CHASE of Wells **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 Bath, Representative Watson.

Representative **WATSON**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I would only point that while this is a very valid bill on a measure we've seen before, for good economic reason, an attempt to attract military retirees out of the State of Maine, both to come and to stay, I would only point out that it has a fiscal note of \$9.6 million in 2009 and then \$10 million a year in the out years. And while it is a great gesture, simply, we cannot in good faith pay for it. Thank you, Madam Speaker.

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

ROLL CALL NO. 105

YEA - Adams, Beaudoin, Beck, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Browne W, Bryant, Butterfield, Cain, Carey, Casavant, Clark H, Cleary, Cohen, Connor, Crockett P, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Eves, Finch, Flemings, Flood, Gilbert, Goode, Harlow, Haskell, Hayes, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kent, Knapp, Legg, Lovejoy, MacDonald, Magnan, Martin JL, Mazurek, McCabe, Miller, Millett, Morrison, Nelson, O'Brien, Peoples, Percy, Perry, Pieh, Pilon, Piotti, Rankin, Richardson D, Rotundo, Russell, Sanborn, Schatz, Siros, Smith, Stevens, Stuckey, Sutherland, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Welsh, Wright, Madam Speaker.

NAY - Austin, Ayotte, Beaulieu, Bickford, Burns, Campbell, Cebra, Chase, Clark T, Cornell du Houx, Cotta, Crafts, Cray, Crockett J, Curtis, Cushing, Davis, Edgecomb, Flaherty, Fletcher, Fossel, Gifford, Giles, Greeley, Hamper, Hanley, Hill, Johnson, Joy, Kaenrath, Knight, Kruger, Lajoie, Langley, Lewin, McFadden, McKane, McLeod, Nass, Nutting, Pendleton, Peterson, Pinkham, Plummer, Prescott, Priest, Richardson W, Robinson, Rosen, Sarty, Saviello, Shaw, Strang Burgess, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tilton, Weaver, Wheeler, Willette.

ABSENT - Beaudette, Celli, Fitts, Harvell, Martin JR, Pratt, Webster.

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

82 having voted in the affirmative and 62 voted in the negative, with 7 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Recouple Maine Estate Tax with the Federal Estate Tax"

(H.P. 163) (L.D. 198)

Signed:

Senators:

PERRY of Penobscot
BLISS of Cumberland

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-333)** on same Bill.

Signed:

Senator:

NASS of York

Representatives:

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

READ.

Representative WATSON of Bath moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative CHASE of Wells **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 Bath, Representative Watson.

Representative **WATSON**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I'd only point out that this bill would recouple with the federal estate tax law, which, presently in the next couple of months, won't exist at all. I would suggest to you that it would be a better idea to bring a similar measure once the Feds have decided what they're going to do with the estate tax. As you know, it expires at the federal level in 2010. There is currently movement in the administration in both sides of Congress to change the federal estate tax system entirely; thus, it's premature to try and couple to something that doesn't exist at present. Thank you, Madam Speaker.

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

ROLL CALL NO. 106

YEA - Adams, Beaudoin, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Butterfield, Cain, Clark H, Cleary, Connor, Cornell du Houx, Cotta, Crockett P, Dostie, Driscoll, Duchesne, Eberle, Eves, Finch, Flemings, Flood, Gilbert, Goode, Harlow, Haskell, Hayes, Hinck, Hogan, Innes Walsh, Jones, Kaenrath, Kent, Kruger, Lajoie, Legg, Lovejoy, MacDonald, Magnan, Martin JL, Mazurek, McCabe, Miller, Millett, Morrison, O'Brien, Peoples, Percy, Perry, Peterson, Pieh, Piotti, Priest, Rankin, Richardson D, Rotundo, Russell, Sanborn, Schatz, Smith, Stevens, Stuckey, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Welsh, Willette, Wright, Madam Speaker.

NAY - Austin, Ayotte, Beaulieu, Beck, Bickford, Browne W, Burns, Campbell, Casavant, Cebra, Chase, Clark T, Cohen, Crafts, Cray, Crockett J, Curtis, Cushing, Davis, Dill, Eaton, Edgecomb, Flaherty, Fletcher, Fossel, Gifford, Giles, Greeley, Hamper, Hanley, Hill, Hunt, Johnson, Joy, Knapp, Knight, Langley, Lewin, McFadden, McKane, McLeod, Nass, Nelson,

Nutting, Pendleton, Pilon, Pinkham, Plummer, Prescott, Richardson W, Robinson, Rosen, Sarty, Saviello, Shaw, Sirois, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tilton, Weaver, Wheeler.

ABSENT - Beaudette, Carey, Celli, Fitts, Harvell, Martin JR, Pratt, Webster.

Yes, 79; No, 64; Absent, 8; Excused, 0.

79 having voted in the affirmative and 64 voted in the negative, with 8 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-343)** on Bill "An Act To Implement the Recommendations of the PE4ME Planning and Oversight Team"

(H.P. 983) (L.D. 1407)

Signed:

Senator:

ALFOND of Cumberland

Representatives:

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

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

Signed:

Senator:

WESTON of Waldo

Representatives:

RICHARDSON of Carmel
McFADDEN of Dennysville
JOHNSON of Greenville

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-343)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 26, 2009.

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Create a Scholarship Granting Organization Tax Credit"

(S.P. 465) (L.D. 1284)

Signed:

Senators:

PERRY of Penobscot
BLISS of Cumberland

Representatives:

WATSON of Bath
BRYANT of Windham
FLEMINGS of Bar Harbor

CROCKETT of Augusta
SIROIS of Turner

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-187)** on same Bill.

Signed:

Senator:

NASS of York

Representatives:

LANGLEY of Ellsworth
PILON of Saco
CHASE of Wells
VALENTINO of Saco
KNIGHT of Livermore Falls

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

READ.

Representative WATSON of Bath moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

The SPEAKER: The Chair recognizes the Representative from Greenville, Representative Johnson, who wishes to address the House on the record.

Representative **JOHNSON**: Thank you, Madam Speaker. Had I been present in the chamber for the roll call vote on LD 973, I would have voted nay.

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Hunt, who wishes to address the House on the record.

Representative **HUNT**: Thank you, Madam Speaker. If I had been here, I would have voted yea on LD 1185, LD 1373, LD 935, LD 621, LD 1359 and LD 823. Thank you.

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

HOUSE DIVIDED REPORT - Majority (15) **Ought Not to Pass** - Minority (10) **Ought to Pass as Amended by Committee Amendment "A" (S-165)** - Committee on **NATURAL RESOURCES** and the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act Regarding the Regulation of Agricultural Composting Operations" (S.P. 115) (L.D. 351)

Which was **TABLED** by Representative PIOTTI of Unity, pending his motion to **RECONSIDER** whereby the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**. (Roll Call Ordered).

Subsequently, Representative TARDY of Newport **WITHDREW** his **REQUEST** for a roll call.

Subsequently, the House **RECONSIDERED** its action whereby the Majority **Ought Not to Pass Report** was **NOT ACCEPTED**.

On motion of Representative PIOTTI of Unity, **TABLED** pending the motion of Representative DUCHESNE of Hudson to **ACCEPT** the Majority **Ought Not to Pass Report** and later today assigned.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Carey, who wishes to address the House on the record.

Representative **CAREY**: Thank you, Madam Speaker. My vote on Roll Call No. 106 was not recorded. I wish to have that recorded as nay.

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

On motion of Representative JOY of Crystal, the House adjourned at 1:05 p.m., until 9:00 a.m., Tuesday, May 26, 2009 pursuant to the Joint Order (S.P. 563) and in honor and lasting tribute to Mary Anne (McCourt) Guiggey, of Stacyville.