

# MAINE STATE LEGISLATURE

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

**Volume II**

**First Regular Session**

May 28, 2009 – June 12, 2009

**Second Regular Session**

January 6, 2010 - March 23, 2010

Pages 609-1214

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE  
FIRST REGULAR SESSION  
48th Legislative Day  
Monday, June 1, 2009

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

Prayer by Reverend Stephen Bracy, Living Waters Assembly of God, Strong.

National Anthem by Honorable Leila Percy, Phippsburg, Honorable James Michael Hamper, Oxford, and Honorable Kerri L. Prescott, Topsham.

Pledge of Allegiance.

Doctor of the day, James V. Pisini, D.O., Cumberland.

The Journal of Friday, May 29, 2009 was read and approved.

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**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act To Clarify the Role of the Public Advocate"

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

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-165)** in the House on May 12, 2009.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-165) AS AMENDED BY SENATE AMENDMENT "A" (S-260)** thereto in **NON-CONCURRENCE**.

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

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**Non-Concurrent Matter**

Bill "An Act To Clarify When the Rental of a Car Is Exempt from Sales and Use Tax"

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

Minority (6) **OUGHT NOT TO PASS** Report of the Committee on **TAXATION READ** and **ACCEPTED** in the House on May 6, 2009.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-77)** in **NON-CONCURRENCE**.

On motion of Representative WATSON of Bath, the House voted to **ADHERE**.

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**Non-Concurrent Matter**

Bill "An Act To Provide Additional Time to Certain School Administrative Units To Comply with School Administrative Unit Reorganization Laws" (EMERGENCY)

(H.P. 449) (L.D. 635)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-256)** in the House on May 13, 2009.

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On motion of Representative SUTHERLAND of Chapman, the House voted to **RECEDE AND CONCUR**.

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**Non-Concurrent Matter**

Bill "An Act To Clarify the Municipal Jurisdiction of a Portion of Saco Bay"

(H.P. 774) (L.D. 1119)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-375)** in the House on May 27, 2009.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-375) AND SENATE AMENDMENT "A" (S-254)** in **NON-CONCURRENCE**.

On motion of Representative BEAUDETTE of Biddeford, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

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**COMMUNICATIONS**

The Following Communication: (S.C. 379)

**MAINE SENATE  
124TH MAINE LEGISLATURE  
OFFICE OF THE SECRETARY**

May 28, 2009

Honorable Hannah M. Pingree

Speaker of the House

2 State House Station

Augusta, ME 04333-0002

Dear Speaker Pingree:

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

Upon the recommendation of the Committee on Marine Resources, the nomination of Vincent Balzano of Saco for reappointment to the Marine Resources Advisory Council.

Upon the recommendation of the Committee on Marine Resources, the nomination of James L. Markos, Jr. of Blue Hill for appointment to the Marine Resources Advisory Council.

Upon the recommendation of the Committee on Marine Resources, the nomination of Fiona J. de Koning of Bar Harbor for appointment to the Marine Resources Advisory Council.

Upon the recommendation of the Committee on Marine Resources, the nomination of Timothy W. Harper of Southwest Harbor for reappointment to the Marine Resources Advisory Council.

Upon the recommendation of the Committee on Marine Resources, the nomination of Glen Libby of Tenants Harbor for appointment to the Marine Resources Advisory Council.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

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

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**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

Dr. Kenneth Murphy, of Yarmouth, who is retiring after 25 years of outstanding service to the Yarmouth School System. Dr. Murphy's successful career with the Yarmouth schools started in 1984 as the assistant principal of Yarmouth High School. In 1991, he was hired as the Superintendent of the Yarmouth School System. For the past 18 years, Dr. Murphy has most ably led the Yarmouth schools. Yarmouth has long been known for its

highest-quality public education, and Dr. Murphy's extraordinary stewardship has been instrumental in this ongoing achievement. His service has had a positive and enduring impact on the community, and thousands of students who have benefited from his leadership. His dedication and professionalism exemplify the spirit of Maine and its citizens. We extend our congratulations to Dr. Murphy on his retirement and wish him well in his future endeavors;

(HLS 408)

Presented by Representative WALSH INNES of Yarmouth.

Cosponsored by Senator DAVIS of Cumberland.

On **OBJECTION** of Representative WALSH INNES of Yarmouth, was **REMOVED** from the Special Sentiment Calendar.

**READ** and **PASSED** and sent for concurrence.

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

Report of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act Regarding Agency Liquor Stores" (EMERGENCY)

(S.P. 257) (L.D. 682)

Reporting **Ought to Pass as Amended by Committee Amendment "A" (S-263)**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.

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

Subsequently, the House **RECONSIDERED** its action whereby the Committee Report was **ACCEPTED**.

On motion of Representative TRINWARD of Waterville, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** in concurrence.

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Report of the Committee on **TAXATION** on Bill "An Act To Conform the Maine Tax Laws for 2008 to the United States Internal Revenue Code" (EMERGENCY)

(S.P. 35) (L.D. 86)

Reporting **Ought to Pass as Amended by Committee Amendment "A" (S-134)**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.

Report was **READ** and **ACCEPTED** and the Bill and accompanying papers were **INDEFINITELY POSTPONED** in concurrence.

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**Divided Report**

Majority Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act To Reduce Regulatory Costs for Maine Businesses"

(S.P. 111) (L.D. 347)

Signed:

Senators:

SCHNEIDER of Penobscot  
SULLIVAN of York

Representatives:

SMITH of Monmouth  
WRIGHT of Berwick  
HUNT of Buxton  
CLEARY of Houlton

MARTIN of Orono

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-269)** on same Bill.

Signed:

Senator:

RECTOR of Knox

Representatives:

AUSTIN of Gray  
MacDONALD of Boothbay  
PRESCOTT of Topsham  
GILES of Belfast  
COHEN of Portland

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

**READ**.

Representative SMITH of Monmouth moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative CURTIS of Madison **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 Monmouth, Representative Smith.

Representative SMITH: Thank you, Madam Speaker. Given the request, I'd like to address my motion simply by outlining that the full title of this bill should be "An Act To Reduce Regulatory Costs for Maine Businesses", by adding one headcount to the State Planning Office for a cost of \$100,000 a year. The majority of those on the committee found it be unnecessary, although well-intentioned. We currently have the Regulatory Fairness Board, which is made up of seven members who are owners, operators and officers of businesses operated in every state of the region. Their charge is to meet three times a year in different regions of the state to hear testimony from businesses regarding their concerns about enforcement activities of state agencies and apartments, as well as to report to the Legislature and the Chief Executive, at least annually, on complaints of excessive enforcement actions against businesses and also to include recommendations for the regulatory and statutory changes, if any. That will enhance the state's business climate. In this current board, the State Planning Office provides technical supports. So although the intent of the legislation is worthwhile, we are handling it now with a citizen board made up of business owners prepared to talk with other business owners statewide. Therefore, I urge members to vote for the pending motion, Ought Not to Pass. Thank you, Madam Speaker.

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

Representative GILES: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise in support of the motion to defeat the Ought Not to Pass Report. Let me just make a few comments on this, because I'm very sensitive to the fact that the fiscal note in the Minority Report does create a position. But let's back up a little bit.

The bill was brought forward by a Senator in the other body, who felt that something needed to be done on a very meaningful basis to work with businesses on the regulatory climate in this state. We are in the worst economic recession, depression, whatever you want to call it, since the 30's, and to me and to many members of the committee, you'll see it's a fairly evenly

divided report, felt that something stronger should be done. Often times, we get a general complaint or feedback from businesses that, gee, Maine is a pretty tough place to do business in, and what we wanted was somebody who would really take ownership to finding out what are those specific issues, help us identify it more, help shepherd this through, and my feeling on this is you would actually see a position like this pay for itself in a fairly short order of time. The other thing that we learned in our committee hearings, in due respect to my House Chair, is that the Maine Regulatory Fairness Board, while it has a, I think, fairly well defined mission, they had not been meeting and they did not have a full slate of people on the board, so it seemed even more important that we take some action at the state level, even with all of the budget considerations that are in front of us, to try to do something that is going to help Maine businesses compete and even attract businesses hopefully through this, through this effort and this legislation. Thank you.

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

Representative **CAIN**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I'm just going to rise briefly in support of the Ought Not to Pass motion on this bill. We've just taken a long journey on our budget, which I'm very proud of the vote that we took last week, but we're now in the last two weeks of session where it becomes very easy to try to vote for things that add positions or that cost a lot of money, but the reality is we just worked very hard to eliminate positions in state government, not to add them, and we worked very hard to have a balanced budget. There is not a lot of money left on the table and this is another example of something where I applaud the majority of the committee for voting Ought Not to Pass and preventing the adding of another position in the State Planning Office. Thank you, Madam Speaker.

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

Representative **GILES**: Thank you, Madam Speaker. Again, I rise again in opposition to the motion on the floor, and in all due respect to Representative Cain, who I have the utmost respect for and all the work that she has led the Appropriations group with, I think you have to look very broadly at what has happened with the budget situation and if there is a slice, targeted area where you could do something very effectively, I think this is the place to do it. I would also comment that there has been other legislation that's come through in this session that, from time and time, has created a position or two, I believe probably with a similar philosophy for whoever brought it forward. Thank you.

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. 146**

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

NAY - Austin, Beaulieu, Bickford, Browne W, Burns, Campbell, Celli, Chase, Clark H, Clark T, Cohen, Cotta, Crafts, Cray, Crockett J, Curtis, Davis, Edgcomb, Fitts, Fletcher, Flood, Fossel, Gifford, Giles, Hamper, Harvell, Johnson, Joy, Knapp, Knight, Langley, Lewin, Magnan, McFadden, McKane, Millett, Nass, Nutting, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Rosen, Sarty, Saviello, Shaw, Strang Burgess, Sykes, Thibodeau, Thomas, Tilton, Weaver, Willette.

ABSENT - Ayotte, Cebra, Cushing, Dostie, Greeley, Haskell, McLeod, Perry, Robinson, Tardy.

Yes, 87; No, 54; Absent, 10; Excused, 0.

87 having voted in the affirmative and 54 voted in the negative, with 10 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

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Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Allow the Sale and Use of Consumer Fireworks"

(S.P. 435) (L.D. 1187)

Signed:

Senators:

GERZOFSKY of Cumberland  
NUTTING of Androscoggin

Representatives:

HASKELL of Portland  
LAJOIE of Lewiston  
GREELEY of Levant  
SCHATZ of Blue Hill  
MAGNAN of Stockton Springs

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-244)** on same Bill.

Signed:

Senator:

DAVIS of Cumberland

Representatives:

HANLEY of Gardiner  
PLUMMER of Windham  
BURNS of Whiting  
WHEELER of Kittery  
SYKES of Harrison

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

Representative PIOTTI of Unity 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.

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Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-265)** on Bill "An Act To Ban Racial Profiling"

(S.P. 526) (L.D. 1442)

Signed:

Senators:

GERZOFSKY of Cumberland  
DAVIS of Cumberland

NUTTING of Androscoggin

Representatives:

- HASKELL of Portland
- HANLEY of Gardiner
- LAJOIE of Lewiston
- SCHATZ of Blue Hill
- PLUMMER of Windham
- MAGNAN of Stockton Springs
- SYKES of Harrison

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

Signed:

Representatives:

- BURNS of Whiting
- WHEELER of Kittery
- GREELEY of Levant

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-265)**.  
**READ.**

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

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

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Improve Maine's Ethics Laws"

(S.P. 154) (L.D. 410)

Signed:

Senators:

- SULLIVAN of York
- GOODALL of Sagadahoc

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-172)** on same Bill.

Signed:

Senator:

- PLOWMAN of Penobscot

Representatives:

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

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

Representative TRINWARD of Waterville moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative CURTIS of Madison **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. 147**

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

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

ABSENT - Ayotte, Cebra, Cushing, Dostie, Greeley, Haskell, McLeod, Perry, Robinson, Tardy.

Yes, 91; No, 50; Absent, 10; Excused, 0.

91 having voted in the affirmative and 50 voted in the negative, with 10 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-52)** on Bill "An Act To Require a Vacancy in the Office of United States Senator To Be Filled by Election"

(S.P. 76) (L.D. 226)

Signed:

Senator:

- COURTNEY of York

Representatives:

- WILLETTE of Presque Isle
- BEAUDETTE of Biddeford
- COTTA of China
- CLARK of Easton
- HARVELL of Farmington
- HAYES of Buckfield

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

Signed:

Senators:

- JACKSON of Aroostook

SIMPSON of Androscoggin

Representatives:

KAENRATH of South Portland  
 SCHATZ of Blue Hill  
 BOLAND of Sanford

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.

**READ.**

Representative BEAUDETTE of Biddeford moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

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

Representative **BEAUDETTE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. The sponsor of this bill in the other body moved Indefinite Postponement and I am doing the same here in order to attain a concurrent position.

Representative COTTA of China **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and accompanying papers.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of the Bill and accompanying papers. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 148**

YEA - Adams, Beaudette, Beaudoin, Beck, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Butterfield, Cain, Carey, Casavant, Clark H, Clark T, Cleary, Cohen, Connor, Cornell du Houx, Crockett P, Dill, Driscoll, Duchesne, Eaton, Eberle, Eves, Finch, Flaherty, Flemings, Gilbert, Goode, Hanley, Harlow, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Kruger, Lajoie, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, Miller, Morrison, Nelson, O'Brien, Pendleton, Peoples, Percy, Peterson, Pieh, Pilon, Piotti, Pratt, Priest, Rankin, Rotundo, Russell, Sanborn, Schatz, Shaw, Sirois, Smith, Stevens, Stuckey, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Austin, Beaulieu, Bickford, Browne W, Burns, Campbell, Celli, Chase, Cotta, Crafts, Cray, Crockett J, Curtis, Davis, Edgecomb, Fitts, Fletcher, Flood, Fossil, Gifford, Giles, Hamper, Harvell, Johnson, Joy, Knapp, Knight, Langley, Lewin, McFadden, McKane, Millett, Nass, Nutting, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Rosen, Sarty, Saviello, Strang Burgess, Sykes, Thibodeau, Tilton, Weaver.

ABSENT - Ayotte, Cebra, Cushing, Dostie, Greeley, Haskell, McLeod, Perry, Robinson, Tardy, Thomas.

Yes, 93; No, 47; Absent, 11; Excused, 0.

93 having voted in the affirmative and 47 voted in the negative, with 11 being absent, and accordingly the Bill and all accompanying papers were **INDEFINITELY POSTPONED** in concurrence.

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-215)** on Bill "An Act To Protect the Privacy of Maine Residents under the Driver's License Laws"

(S.P. 492) (L.D. 1357)

Signed:

Senators:

DAMON of Hancock  
 GOOLEY of Franklin

Representatives:

MAZUREK of Rockland  
 PEOPLES of Westbrook  
 THERIAULT of Madawaska  
 HARLOW of Portland  
 CAREY of Lewiston

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

Signed:

Representatives:

HOGAN of Old Orchard Beach  
 BROWNE of Vassalboro  
 THOMAS of Ripley

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-215) AS AMENDED BY SENATE AMENDMENT "A" (S-247)** thereto.

**READ.**

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

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

Representative **BROWNE**: Thank you, Madam Speaker. I'm opposed to this motion. If LD 1357 passes, it would repeal the law enacted just one year ago. Among other things, it would repeal the legal presence requirement, the expiration of a driver's license or non-driver ID card when the Visa expires, and also would repeal the Secretary of State's cost effective study and the recorderness and technology. The Maine Secretary of State has had no major problems with this law and, again, it's only been in effect for a year. The Department of Public Safety is against the repeal. They are waiting for direction from the Homeland Security. The draft issuance does away, this is from the Homeland Security, what they believe, it's doing away with the funding and the 50¢ per capita for the SAVE program. It also eliminates the federal database. I believe we should wait for direction from our new Washington administration. We don't want to lengthen the result, restrict Canada on planes and federal offices. Currently, we can do this with our own driver's license. I think we should wait. I again would move against this, and I would ask for a roll call if one hasn't been asked.

Representative BROWNE of Vassalboro **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 Old Orchard Beach, Representative Hogan.

Representative **HOGAN**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise too in opposition to the pending motion. I think it's important to note that Maine found itself last year on an island and we were out there and the Chief Executive had to step in and made a deal with the Homeland Security Department. We complied with that, we passed this bill last year. This bill has been in effect a little less than a year and we have found no significant problems with this. The Obama Administration has shown its willingness to

reform Real ID. We should wait for that. We should not put ourselves into a situation where we're going to be at odds with any federal agency, in this case, it would be the Homeland Security. We shouldn't rush to make changes to Maine law that would put us in conflict with the new president and threaten the strength and security of Maine credentials. According to the National Immigration Law Center, only four states did not have a legal presence requirement to receive a driver's license. If a person can't document the legal presence, they are giving a driving privilege card different than a full driver's license. That's important. We're dealing with the issue, so I don't think, in passing this bill, it would serve any good use to the citizens of Maine. We could revert back to that situation where, if Homeland Security chose to and they probably would, it would be difficult, for example, for you to get into a federal housing, like a post office or any federal building, it would create longer lines in the airports, for no real reason. So I really think and I understand it's an emotional issue with a lot of people that the Federal Government is more or less telling you what to do, in this case, I understand that. But this occurred because of, as we know, 9/11, which was a serious situation, as we all know, and something had to be done. So again, I oppose the pending motion and wish you would all follow my light on this very important issue. Thank you.

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

Representative **MAZUREK**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. First of all, this is only a partial repeal of the law that was enacted last year with the federal ID Act of 2005. It does not change the current requirement in the State of Maine for a legal residency requirement to get a license and Maine was not an island last year. There were many other states who completely ignored the Real ID and nothing happened to them. We, at the last minute, joined up, the Chief Executive did unfortunately, but that's neither here nor there. What this act does, it exempts and keeps our private Social Security numbers and other important information that the state possesses confidential. I think we all need that. It also is a money saver, about \$450,000 in the next two years. Are we any safer with the Real ID on a national level? I don't know, I don't think anybody knows at this particular point. But as I spoke last year, it was a rush to judgment and I still feel very strongly that it is. You hear constantly about protecting our rights, about the rights of individuals, and yet we are willing to turn over some of our most confidential information to the Federal Government, to the state government, and be very happy about doing it. These same people I hear saying no, I have my own personal rights, I walk my own line, but yet they're willing to give up some of the most private information they have to government agencies and who knows what happens to them. We also have to look to the future. Our children, are they going to become tagged for life? Are they going to be followed for every step everywhere they go, whatever they do? Where does this stop? Yes, there is a movement on a federal level to do something about Real ID, but we have an opportunity right here in the state to take one part of that Real ID law and repeal it and make it better for the citizens of Maine. We're not changing the legal residency requirement, you still have to be a citizen of Maine to get a driver's license, but at least we're removing the possibility of having our confidential records in the public. I wish you'd follow my light on this. This is a very important matter and I think it's something that we all cherish as our privacy and our freedoms. Thank you.

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

Representative **CAREY**: Thank you, Madam Speaker. I'm sure many of us saw on the news today what changed at the federal level with respect to identity documents. Today is the first day that we need to have a passport to cross the border into Canada and into Mexico or any other border. This is a big change. For many of our residents who live on the borders, this is going to affect daily life in a very, very fundamental way. However we might feel about that, I'm personally comfortable with the idea, it's a very appropriate action for the Federal Government to take. It's within the powers of the Constitution. Article I, in part, sets out the Congress shall "establish a uniform rule of naturalization." What's more basic than determining who should be in this country and who should not be?

To go back in and put a little more skin on the bones of what's been discussed last year with the residency law. We had two bills before us last year: We had this bill which added the legal residence requirement, which we're currently suggesting be taken away. We also had another bill that will not be affected by this, that would add some more stringent residency requirements. It was entirely an appropriate bill. The Secretary of State spoke at that time and they had some concerns about the way in which the legal residence was determined in the State of Maine and here's what we did: No longer can you have a PO Box address and get a driver's license, it makes complete sense; you have to show up in person to get a license; you have to have a property deed or a lease or something else that firmly establishes your residency, that's entirely appropriate, that will not change regardless of the disposition of this bill. This bill deals solely with legal presence. Now what is legal presence? It's are we legally present in the United States, are people who are not citizens, first of all, how do you establish citizenship, that is one of the questions, and for people who are not citizens, are they legally here. It seems to make sense. If it makes sense, it should be done at the federal level. Instead, what was done last year, was when it couldn't get through Congress, the administration said we'll just have the states do it, so instead of a uniform rule of naturalization, we have 50 different rules of naturalization at the state level and multiple different rules of naturalization at the federal level. No two rules of legal presence are the same. That's not right.

It's been said that there's been no problems with this having been instituted. It's been said the Secretary of State is comfortable with it. The Secretary of State, in person, spent a lot of time at both the work session and the public hearing letting his office his personal views known on this. He has some significant concerns about this and let me share with you what he shared with us: Wait times, BMV is in many ways, they're very focused on their customer service. Wait times have increased 15 percent because of this. If we pass this bill and it's signed into law, we can cut immediately; we can cut \$500,000 per year from the budget that's being used to put this into effect. So this will have a significant affect on their budget should we pass this. Finally, I would urge everybody in the chamber to follow our light and vote Ought to Pass as Amended by this bill. Thank you very much.

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

Representative **HARLOW**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise in support of my good chair, Representative Mazurek. Americans rejected the first national ID. It was called Social Security. They formed the Social Security Administrative Task Force and decided and identified it should be rejected in 1938. President Carter also rejected Social Security as a national ID. President Clinton wanted a health security card, but he wanted to keep, it was going to have full protection on it so it couldn't be used as a



national ID. Ronald Reagan, the Ronald Reagan Administration also rejected the national ID idea. Real ID, de facto, is a national ID. I do not think this is an American value. The terrorists win if we give up our rights to privacy, and there's no evidence that we can stop making driver's licenses in other countries, when a third grader can make up an ID. Okay, thank you very much for your time and consideration, Madam Speaker.

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

Representative **SYKES**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. What are we doing? Last year, we passed a bill to enhance the security of our state credentials, our driver's license. Why did we do that? We did it, as far as I'm concerned, for two reasons: First, Maine had become a target, a target for those who wanted to get a driver's license because we have very permissive and lax standards. Second, we did it because the Federal Government told us if you don't do that, people who want to get on an airplane and use their Maine driver's license as an identification won't be able to do that. It worked. You can use your Maine driver's license to get on an airplane. We had to get a federal extension to do that. That's the history.

What's going on now, I've heard some statements being said, first of all, we have a new president. We have a new secretary of Homeland Security, Secretary Napolitano. President Obama has ordered the Secretary of Homeland Security to do a substantial review of Real ID. Secretary Napolitano has decided to work with the National Governors Association, develop a committee and come up with a draft. That is in process right now. The draft is to try and take care of some of the criticism, the problems that we're talking about here this morning. Why in the world would we want to change our law when the Federal Government is working on something that has not been finalized at this point? More than that, to pass this, quite frankly, may well be a deal breaker with the Federal Government, who may come back and say sorry, you changed; you can't move your Maine license as an ID to get on a commercial airplane. I suggest that we wait and see what the Federal Government does. They have a committee going with the National Governors Association, with the Secretary of Homeland Security, see what they come up with, see if it does not resolve some of the issues and problems that have been spoken about this morning. I personally, Ladies and Gentlemen, will not put my name on a bill that's going to stop my constituents from getting on an airplane and trying to use their Maine ID. Thank you.

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

Representative **BURNS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I agree with good Representative Sykes and what he has had to say. I oppose this motion on the floor. Maine did make a deal with the Department of Homeland Security and, if Maine breaks that deal, it's very possible that travel, our citizens in this state will be greatly hindered when they try to travel abroad, and maybe involved in secondary screening and other issues that we're not really aware of at this point. There is real progress underway in Washington to fix the biggest issues, which is the Real ID. It is very smart policy to work cooperatively with them until that issue is resolved. Maine has a fair process right now in effect, our law is fair. Also, Maine people support the legal presence requirement and that is bared out by the attempt to gather signatures on a people's veto which fell short, which would have repealed the question on the ballot despite intense media coverage. This is also a commonsense and reasonable requirement and Maine shouldn't issue driver's licenses to people

who are not in the country legally. I think all these things make sense. I think we have a fair and equitable law at this point, and let's wait until things are resolved between us and the Department of Homeland Security and Obama Administration. I would urge you to vote against this proposal. Thank you.

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

Representative **BERRY**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. Real ID has been a real fiasco and in due respect to those who have spoken on the other side of this debate today, I want to remind all of us that, two years ago, this body voted almost unanimously, all but four of us voted to reject Real ID and to say that Maine would never comply with the tenants of that federal legislation, which was slid through at the last minute and without a great deal of study. We said that it would provide one key to the identities of over 300 million Americans and allow for identify theft on a scale that we had never seen before. It was the opposite of national security; it would do nothing to solve the real problems of national security, it attempted or pretended to solve; and we said in addition that it was an unfunded mandate that would cost Maine and other states hundreds of millions of dollars over time and we're looking, as Representative Carey has said, at money that we could right now be using for our roads and our bridges and we certainly need it, instead of using it to turn our Bureau of Motor Vehicles into something it was never intended to do under our Constitution. Madam Speaker, nothing has changed in the last two years since we voted that way, except that perhaps we are all two years older and hopefully two years wiser. So I ask that we all vote in favor of the pending motion and let the Federal Government do the work that it has set out to do. It is true that the National Security Secretary has begun the process that would overturn Real ID and we look forward to that. When she was governor of Arizona, she also said that her state would never comply with it, and so I think it's very appropriate today that we follow her advice and follow her light, were she here with us in this chamber. Thank you.

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

Representative **PEOPLES**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I think it would be a good idea to clarify not only does this repeal the illegal part of the law, it also repeals the really more frightening and invasive pieces of the Real ID legislation that requires fingerprinting and biometric scanning. I think that in of itself should be enough to give us all goose bumps. This is something that is absolutely unacceptable and regardless of all of the rest of it with legal presence, and I'm sorry people who have said legal presence hasn't been a problem, but I don't know how many constituents have called other members of this body, but I have had a good few call me absolutely incensed that they were not able to renew their driver's licenses. They've had driver's licenses since they could drive, but for the first time they have to prove that they were in the country legally. So it is a problem and even if the Homeland Security and the governors are working on another plan, why should we have to suffer with this until they come up with something better? Thank you.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Hogan.

Representative **HOGAN**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I'm even afraid to go back to my committee. We do have a little work left, but we seem to be on opposite sides, for the most part, on this thing. But as far as money goes, the cost to implement this program was absorbed by the Secretary of State's Office. There

was no money of costing, it didn't cost any money to implement this program. We also have received a \$1.8 million grant to help with the cost of implementing this past legislation, which we haven't even touched yet. So there's not a big money issue involved in this. But the biggest issue was made by the good Representative from Bowdoinham, Representative Berry, in that the Federal Government is dealing with it. The Secretary Napolitano is dealing with this, not to overturn it, but to look at it and make certain improvements. So we have to wait, we really should wait. Maine made a deal with the United States Department Homeland Security to improve the security of its credentials. If Maine breaks that deal, it's possible state drivers could face secondary screening when traveling or trying to enter federal buildings, as I've said before. This is unnecessary. We're not at that point where we have to throw ourselves on the sword, so to speak, just to prove our point, and it's more of an emotional than a correct issue. Please vote red on this.

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

Representative HILL: Thank you, Madam Speaker. I rise on this bill because I am very concerned about it. I worked with it in Judiciary because of the right to know and I think there are some good provisions, certainly pulling the Social Security numbers out. But I have a great deal of problem with taking away the establishment of legal presence and I say that for two reasons: One, in my lifetime, I had the good fortune to live abroad in two different countries and I never hesitated to put my paperwork that was required by that country in order before I even left the soil of the United States, and then to go in, when I arrived in those countries, to comply with whatever additional paperwork was needed to be legally present in those countries, because I respected the ability to be in those countries. Second, I know there have been some problems in southern Maine, especially in my district, so I re-contacted with our Chief of Police, Doug Bracey, whose family has been here since the 1700s and is highly respected. He is also the president of the Police Chiefs Association. I just said can you bring me up to speed on anything that's happening down there that this might present some problems with? So, if I may take a moment to just quickly read, this came from him yesterday.

"We here in law enforcement, especially in the south, are dealing with illegal aliens being brought to the State of Maine by vanloads of unscrupulous people who are profiting by their scheme. These individuals know the loopholes and many of them provide fictitious Social Security numbers, other documents and establish mail boxes, etcetera, and UPS boxes for these aliens to use as addresses. Some of these documents have surfaced during the arrest of drug dealers we are dealing with from Haverhill and Lawrence, Massachusetts. These people who are in the country are here for the sole purpose of committing criminal acts for profit and are using Maine identification as a means to legitimize their presence here and to conceal their true identities."

So I recognize that some individuals in the state are having problems with their license and they are good, wholesome people who belong here in Maine, who have been here in Maine. I think their issues, I don't want them to have these issues, but I think their issues can be dealt with by rules promulgated by the Secretary of State, and I would suggest we take a look and encourage the Secretary of State to make it as easy as possible to work with those people and establish their legal presence and get their license back. But I'm not sure we should throw out the baby in the bathwater altogether. Thank you very much.

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

Representative RUSSELL: Thank you, Madam Speaker.

Madam Speaker, Ladies and Gentlemen of the House. I find it ironic that we are talking about how this actually makes us safer, that our driver's licenses will prevent terrorists from entering our borders. Well, we're doing a great job preventing an elderly woman from getting her license. In fact, the terrorists of 9/11, two of them came through my city, Portland, came in with visas and, has been mentioned before, the Secretary of Homeland Security is not really in favor of this and I concur with Representative Carey from Lewiston, who talked about the need for national federalization of this issue, but I do not agree that we need to wait. I think that we do have an obligation to protect our folks.

The other security issue that I am painfully afraid of is that we're going to be consolidating data through the Real ID. Now I'm a bit of a libertarian in the a sense that I really don't like the idea of the government spying on me and, believe it or not, my old roommate was the deputy director of scheduling for the vice president, so I just assumed my phone was tapped. But I'm more concerned with hackers. Consider the Hannaford breach, where thousands of Mainers lost their credit cards. I've had constituents of my own district come in and say how their credit card was hacked into and, up to a year later, they had charges that were coming from overseas. That was just credit cards. Now imagine when it's your Social Security number, your photo, which may or may not be a good photo but it's still worth utilizing, and potentially your biometric information. So let's just set aside the idea that the government might do something crazy with your stuff and your information. I'm really concerned about what happens when the next generation, who's really, really good with computers and really, really good at tracking down your contact information, suddenly pulls a single white female or a single white male, as the case may be in the audience, but suddenly becomes me. I like me. I like being the only version of me out there and I would hope that those of us in the chamber would feel similarly about themselves, Madam Speaker, and that you would consider what it might do if someone else suddenly chose to become you. So look in the mirror, think about how important it is to have your Social Security number, your photo, your driver's license number and your biometric information entirely in your possession, and then ask is that more secure or is it more secure to have an elderly woman from Aroostook County or a veteran from Jay unable to get their driver's license. Thank you, Madam Speaker.

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

Representative CAREY: Thank you, Madam Speaker. I would like to speak briefly and bring some more specifics to the debate that have been referenced. First, with respect to money, this was not, there were ten positions added by the Secretary of State to deal with this. This was not done within existing resources and positions were added. There is a \$500,000 cost per year for that. Second, the \$1.8 million grant that was referenced that's going unused, I am thankful that's going used because that was a federal grant from the Bush Administration for the sole purpose of facial recognition screening biometrics. There's a really good reason that that's not being used, in my opinion, because it shouldn't. So there's money on the table, but it's not money that I'm comfortable using. Third, there's a positive fiscal note on this bill. Again, there's a \$500,000 positive fiscal note. The argument's been put out there that we made a deal. It was under significant duress. The Chief Executive made a deal last year that allowed us to get onto planes under significant duress. The separation of powers in the Constitution, if it says if it's bad idea, this House needs to say it's a bad idea.

There was reference to the new Homeland Security director that, when she was the governor of Arizona, was against this. I have here what she said to the United States Committee on the

Judiciary on May 6th of this year: "Ten states have enacted laws prohibiting compliance with Real ID and many more have anti-Real ID legislation pending. There is no additional information that there's going to be repercussions or that there's any displeasure." In fact, she goes on to say "DHS is focused on assisting states and improving the security of driver's licenses consistent with the recommendation of the 9/11 Commission, but there has to be a better way than Real ID." This is the person who was charged with sanctioning Maine, should it be sanctioned: there's got to be a better way than Real ID.

The department brought to us some information about Judge Segal, the federal judge, and I'd like to read a little bit from the findings of the court. Judge Segal, this was read to us by the department in our hearing: So if someone would have a driver's license in New York that was expiring would come up to Maine with this letter from the Social Security Administration and get a valid driver's license from Maine? Defendant: Using a PO Box address in Maine, that's correct. Judge Segal saying: They were residents of Maine? Yes. Judge Segal: Of course they wouldn't get a license otherwise. Correct. Later the judge says: And the State of Maine would issue a valid driver's license as if they were a valid resident of Maine?

That's a problem. It's been solved. It was solved last year. This bill does nothing to make that problem come back.

There were three additional cases that were brought to us by the department in our public hearing, three additional cases of people who were correctly prosecuted as being illegally in this country and sent back. All three of those cases, the facts of those cases happened, and all but one of them the convictions happened, before this body instituted a residency requirement. The commissioner said that there was no way to tell that legal presence alone, beyond residency requirement, has resulted in more prosecutions. The law that we passed last year on residency is working. This law is not needed and in fact it's unconstitutional.

Finally, the argument has been made about the 9/11 hijackers. The big problem, and unfortunately the Representative from Portland has reminded us, that the pilot of one of the planes originated in this state that morning. That is a shame. That's something that should be changed. It should be changed in the federal level, because with Real ID, the current law of Maine, 18 of 19 hijackers, were they residents of Maine, 18 of 19 hijackers could have gotten a valid Maine driver's license. The 19th, by the way, wouldn't have been affected. This law does not solve the problem. It's a significant problem, it's a federal problem and it should be solved there. Thank you, Madam Speaker.

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

Representative **CAMPBELL**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. This bill is entitled "An Act To Protect the Privacy of Maine Residents under the Driver's License Laws." Well, it hasn't changed much than it did two years ago. If you have nothing to hide, you have nothing to worry about. So I suggest you hit your red button when you vote. Thank you.

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

Representative **MARTIN**: Thank you, Madam Speaker. Madam Speaker, Members of the House. A number of years ago, not the first time that this Legislature had to cave in to demands of the Federal Government, whether it be the eighteen year old or it be motorcycles and subsequent labor appeals, or it has to be with the driver's licenses for Class A and Class B vehicles, and those things have done and come through from

Washington and we've had to basically, in a way, cave in. Then we hear the remarks that frankly this law has not imposed any problem. I would encourage you to come to Caribou to the motor vehicle office, as people from the Saint John Valley go to get their driver's license renewed and to document the fact that they are American citizens. One of the first things they ask is "Could we have your birth certificate?" Well, the birth certificate happens to be in Edmundston, New Brunswick because many of our citizens end up going to the closest hospital, probably 60 to 70 a year, and so they have a birth certificate but it's not in the United States, even though they are American citizens. So then they proceed to tell them "Would you bring your parent's birth certificate?" Then, subsequently, they say "Well, we're not convinced, but maybe your grandfather's birth certificate would be necessary to document the fact that you're an American citizen, because you haven't done the paperwork." That's what's going on and that has nothing to do with whether or not you are a citizen, it has nothing to do with whether or not you're here legally or illegally. Now it's not my fault, I guess, that the American negotiators of the Webster-Ashburton Treaty decided to separate our people in 1842, but that's where we are and so here we are sitting in an area where we have difficult, very often, documenting our heritage. We don't only have that problem in this instance with a driver's license, but you ought to see the problem we're having with our citizens in the valley, many of them trying to get a document from the Federal Government. So we have that quagmire right now, as a matter of fact, to the point where the border patrol have been told, and people at the border, that they can still enter with a driver's license provided they didn't have to go get one in Caribou, last year or this year, and other documentation and they are still not using, even though it's a longer process, they are coming through without a passport. For how long that will continue, we can only hope. I will simply say how pleased I am to see members on the Republican side of the aisle so willing to accept the fact the new president is going to change some of the stupid rules.

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

Representative **THERIAULT**: Thank you, Madam Speaker. I also stand here in favor of this deal here. The Federal Government are the people that need to take care of their business. Now everything that's been said here makes a lot of sense, but the one thing that affects me personally is the business in the Town of Madawaska and in the valley. This is going to put a stop to a lot of people being able to come over. It's a major problem. So, therefore, I know how I'm going to vote. Thank you.

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

Representative **BURNS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I'm sorry to rise again on this issue, but I think there's a couple of things that we need to go back to. In deference to what has been said here, the original bill that we're trying to appeal, I think says it very well: An Act to Enhance the Security of State Credentials. It provides for several things. The applicants for driver's licenses or ID cards demonstrate that they are in the United States legally. What could be wrong with that? This is all about security for our citizens and for us. We have to live in that time period now where we need to be able to verify who the people are that come into this country. It directs the Secretary of State to develop rules for what documents are appropriate and demonstrate legal presence. Study the use of new technologies, including biometrics, to reduce the risk of an applicant being issued more than one driver's license. It's the same thing that we're facing all

across the country. Every other state is going to be in this exact same situation, and if we carry, we're going to be out of sync with them. This is the technology that's going to be used. And develop an implementation plan for the using of the federal SAVE program to verify immigration documentation. Again, I say this is all about the security and safety for our residents. It's a good law that we have right now. Until there are changes made that we can be in agreement with the Federal Government, I would urge that you reject this proposal. When we're talking about money, my understanding is that what we have done up until now has been done with existing resources, with the DMV, and we're also putting in jeopardy the \$1.8 million. It doesn't matter what administration it came from, it's still there, it's still available to do all these studies, to implement these things, and we're going to put it in jeopardy if we vote to support this bill. Thank you, Madam Chair.

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

Representative **SYKES**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. First, a correction: the current law does not require fingerprinting. Secondly, I'm confused. I was here last session and it was my understanding the cost to implement last year's legislation, by agreement with the Secretary of State, were absorbed within existing resources. Yet, I've heard today that ten new positions were added to the Secretary of State's Office to do this. Therefore, Madam Speaker, may I pose a question to the good Representative from Lewiston, Representative Carey?

The SPEAKER: The Representative may pose his question.

Representative **SYKES**: Madam Speaker, if we pass this law, will we eliminate ten positions from the Secretary of State's Office?

The SPEAKER: The Representative from Harrison, Representative Sykes has posed a question through the Chair to the Representative from Lewiston, Representative Carey. The Chair recognizes that Representative.

Representative **CAREY**: We have been so advised by the Secretary of State.

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

Representative **MAZUREK**: Thank you, Madam Speaker. I will be very brief this time. I do agree with some of the remarks I heard about the cost. Yes, it hasn't cost a great deal up to this point; however, to fully implement the law, from this day forward, there will be a huge price tag to make sure that the Real ID law, as presently written, will be implemented, about \$70 million, and I don't think we have \$70 million to implement that law right now. Thank you.

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

Representative **MacDONALD**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. If this bill were just about cost, I think that that would be one thing, but I think this is really about our rights as American citizens to our privacy. If Real ID is allowed to go forward, it will eventually result in fingerprinting, eye technology, face recognition technology. I am not, as a Representative of the people I represent in the State of Maine, going to ask them to give up their privacy rights, as Americans, on the doubtful proposition that that will then make them safer. I do not believe it for one minute. I think we ought to accept the Majority Ought to Pass as Amended. If we could spend, if this would make us safer, then I'd be willing to spend all kinds of money to do that, but I don't think it will. I don't think it's about the money at all. I think it's about our basic rights as American citizens to remain private and free, and we represent

that I think want to remain private and free from this intrusion into their private lives. I urge you to accept the Majority Ought to Pass.

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. 149**

YEA - Adams, Beaudoin, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Butterfield, Cain, Carey, Casavant, Clark H, Clark T, Cleary, Cohen, Connor, Cornell du Houx, Crockett P, Dill, Driscoll, Duchesne, Eaton, Eberle, Eves, Finch, Flaherty, Flemings, Gilbert, Goode, Harlow, Haskell, Hayes, Hinck, Hunt, Innes Walsh, Jones, Kent, Kruger, Lajoie, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, Miller, Morrison, Nelson, O'Brien, Pendleton, Peoples, Percy, Peterson, Pieh, Piotti, Pratt, Priest, Rankin, Rotundo, Russell, Sanborn, Schatz, Sirois, Smith, Stevens, Stuckey, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Wheeler, Wright, Madam Speaker.

NAY - Austin, Beaudette, Beaulieu, Beck, Bickford, Browne W, Burns, Campbell, Celli, Chase, Crafts, Cray, Crockett J, Curtis, Davis, Edgecomb, Fitts, Fletcher, Flood, Fossel, Gifford, Giles, Hamper, Hanley, Harvell, Hill, Hogan, Johnson, Joy, Kaenrath, Knapp, Knight, Langley, Lewin, McFadden, McKane, Millett, Nass, Nutting, Pilon, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Robinson, Rosen, Sarty, Saviello, Shaw, Strang Burgess, Sykes, Thibodeau, Thomas, Tilton, Weaver, Willette.

ABSENT - Ayotte, Cebra, Cotta, Cushing, Dostie, Greeley, McLeod, Perry, Tardy.

Yes, 85; No, 57; Absent, 9; Excused, 0.

85 having voted in the affirmative and 57 voted in the negative, with 9 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-215) was READ** by the Clerk.

**Senate Amendment "A" (S-247) to Committee Amendment "A" (S-215) was READ and ADOPTED.**

**Committee Amendment "A" (S-215) as Amended by Senate Amendment "A" (S-247) thereto ADOPTED.**

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-215) as Amended by Senate Amendment "A" (S-247) thereto in concurrence.**

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Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Fund the Dirigo Health Program through a High-risk Pool"

(H.P. 831) (L.D. 1206)

Signed:

Senators:

BOWMAN of York

ALFOND of Cumberland

Representatives:

TREAT of Hallowell

PRIEST of Brunswick

BEAUDOIN of Biddeford

BECK of Waterville

GOODE of Bangor  
 LEGG of Kennebunk  
 MORRISON of South Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-465)** on same Bill.

Signed:  
 Senator:  
 McCORMICK of Kennebec

Representatives:  
 FOSSEL of Alna  
 WEAVER of York  
 RICHARDSON of Warren

**READ.**

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

Representative CURTIS of Madison **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 Warren, Representative Richardson.

Representative **RICHARDSON**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. LD 1206 has been presented in hopes of creating a competitive individual insurance market, thus, lowering monthly premium costs and high deductibles associated with our present individual policy system. Risk pools happen in 33 other states and can be set up to take care of all of the concerns, I'm sure you have heard about, including this little piece of paper that we just handed out this morning. For an example, the bill and the amendments that I have put forward do have a \$5 million minimum for lifetime guarantee and there will be a standard help questionnaire for the method of its application. I continually try to understand why Maine does nothing to help our citizens enjoy lower premiums and deductibles. It does, in fact, happen very close to our borders. Please think of your constituents who have called you wondering why the Legislature recently turned down out of state purchase of health insurance, and vote against this pending motion. Thank you.

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

Representative **TREAT**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I hope you will follow the Majority Committee Report in this regard. We have competing yellow sheets here with different facts on them, but I would say to you that the fact that it may be true that Maine people pay a lot for their current health care or that their premiums are very high or that health care insurance is a burden on families does not lead inextricably to the conclusion that we must do a high-risk pool. Indeed, a high-risk pool would not solve the problems that are outlined rather cogently in the ten points on the fact sheet that came out from those in the Minority Report. Indeed, this legislation, like others that have been before us in the past, would in fact create a two tier system that would single out people who have health problems and not necessarily the people who have the worst health problems. In other states, even people with minimal problems like, for example, asthma have found themselves taken away from the health insurance program that we now have which requires that, if you have the money, you can buy the insurance and be put into a high-risk

pool situation, and that was in fact the testimony of our superintendent of insurance. Indeed, this legislation, LD 1206, would legalize rate discrimination that we do not have now and it would permit rates to go up dramatically. I want to repeat that: Rates will go up dramatically. It allows rates to go up by 60 percent from the community rating, or average rate, depending on where you live, what your occupation is and what your age is, and, on top of that, it would allow for rates to be increased up to 80 percent for those who have poor health and have some of these other factors. Now many of you who live, not necessarily in York County and some of the areas of the state that have the most population and, thus, the most competition, will know that your health insurance rates are particularly high, as well as your medical expenses. If you were to go into a hospital, they are particularly high and there is a relationship between the two. This legislation would allow your rates to go up dramatically. Now it is true that many other states have high-risk pools and so did the State of Maine, and our pool was eliminated in 1994 because we ran out of money. This is not an unusual situation. Many high-risk pools around the country have been closed to additional membership because, in fact, the money available for those high-risk pools was insufficient. Indeed, only one percent of a state's insured population around the country is in the high-risk pool, so as an option for people to be able to get health insurance, it's not really providing a lot of health insurance. Now the argument is, by having this mechanism, which essentially is a subsidy to the insurance industry, then everybody else will benefit. Well, the people who will benefit will be those who already have the easiest time getting insurance. We're going to get rid of the requirement that anyone, regardless of preexisting condition, would be able to get insurance. You would have to go into this high-risk pool, at a higher rate of cost, were you to have those health conditions, and a health condition can be many things. I mean a health condition, in many places, is that you are a woman of childbearing age. That is a health condition, that makes you more expensive to insure. I don't think and regardless of the fact that this legislation before us says it does not allow discrimination on the basis of gender, it will indeed do that, because that has been the experience in other states. This is funded by a \$4 per person additional premium on every individual covered by a health insurance policy. It's not just on the policy itself, but \$4 per person, per month. So a family of four would pay an additional \$192 a year for this and that doesn't count for the additional 80 percent, potentially, that they would be paying, let's say, if they lived in Aroostook County and were in one of the industries or occupations or were of any age that the insurance company decided would cost them more to insure. This is not the way to bring down health insurance costs. I urge you to vote with the majority of the committee Ought Not to Pass.

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

Representative **McKANE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. It seems like only a couple of weeks ago we were debating the out-of-state insurance bill and, during that debate, more than one of those who voted against that measure talked about debating real market reforms when they would be coming to this body. Well, here it is. This is the only real health insurance market reform bill that we will see.

LD 1206 is the market reform that allows New Hampshire and 33 other states in the country to have the lowest rates in the country - along with much lower Medicaid enrollment.

What this bill would do: It would establish a "high-risk" or "chronic care" pool that would move the 1% of Maine's least healthy, that account for 40% of all paid claims in this state, to a

subsidized plan. That's right, 1% of those in our insurance pool account for 40% of the claims.

It would also change Maine's community rating laws. Just as a refresher, Maine's "community rating" law requires all premiums to vary only a small amount, regardless of the policy holder's age, health or habits. It sounds great - on paper. But in reality, you have a system that subsidizes the older, less-healthy yet often-wealthier people with the artificially high premiums paid by younger and healthier people. The healthy young people and families simply drop out of the market because they can't afford these high premiums.

The result is called adverse selection - more unhealthy people concentrated in Maine's insurance pool, resulting in higher rates for those who remain. The cycle continues until we find Maine in what is known as a health insurance death spiral, and we are in it by all means.

When polled recently, several different polls said that Maine people, by a wide margin, wanted to be able to buy health insurance out-of-state. Why? Because out of state you find lower premiums, lower deductible and better coverage. Why is that? Because those states have implemented the kind of reforms that are in this bill.

Sadly, if previous high-risk pools and the recent committee vote are any indication, this will continue to be a partisan issue for some reason, not partisan in many other states and it's not on the federal level, but here in Maine it is.

A high-risk pool bill did pass the House by one vote in 2006 but was killed in the other body by a procedural motion and never reached the floor for debate.

So if this bill does go down in flames, I have a question once again for those of you who vote to kill it. What is your plan B - What do we tell the people of this state who have, over and over again, demanded, pleaded, and begged for health insurance reform? We're going to tell them that we're going to give them more regulations - to a market that is on life support because of our over-regulation now? Are we going to tell them that, more Dirigo, we just need more funding for Dirigo, that will bail us. Is that what we're going to tell them? Are we going to tell them that they should move to MaineCare, that we're going to lax and loosen the regulations, the bar for MaineCare, let more people on that? We have 275,000 people on MaineCare now, it's breaking our budget, it's overtaxing our people, it's causing a shift to everyone else who's paying for health insurance, causing health care rates to go up. Is that what we're going to tell them? I hope not. Or is it that we're just going to wait for that national health care system that may or may not materialize and it may take years. That's the "don't worry, be happy" attitude. Hang in there, people of Maine. We don't need to do what the rest of the country is doing. Just keep paying those exorbitant health insurance premiums. Our Federal Government is on the case. Easy for us to say when we here making the rules are fully covered and the taxpayers who don't have the coverage, or who are paying those ridiculous premiums, are the ones paying for our coverage.

Medicare is going bankrupt. Social Security will be out of money by 2016. 46 cents of every dollar spent by the Federal Government is borrowed. Telling the people of Maine they should be patient and wait for Washington to implement a multi-trillion dollar new program is, I believe, callous and irresponsible.

We might eventually get a government solution to our health insurance dilemma, from the Federal Government down, but it probably isn't going to happen this year and it might be a while. Why not give the Maine people of the State of Maine what they want and let the market forces lower the prices for everyone in this state? LD 1206 would do just that.

Madam Speaker, I just want to make a few comments on the second yellow sheet that came out that says "Oppose the High-Risk Pool." I'm a little bit appalled at what I see on this sheet. I believe what I see here flies in the face of facts. LD 1206 would create a two-tiered system and legalize rate discrimination. Yes, it would and the fact that we can't discriminate is our problem. Can you imagine if homeowner's insurance was like health insurance? A big rambling, old mansion with old wiring and crumbling chimneys would pay the same amount for homeowner's insurance that a brand new 2009, 20 x 26 Cape paid. Do you think that would work? No, it wouldn't work and it doesn't work for health insurance. LD 1206 could reduce health care coverage, not expand it. There will be guaranteed access to health care and it's important to remember a sheet that I passed out a couple of weeks ago, health care rates for the highest risk individuals in both New Hampshire and North Dakota, the most expensive to insure, New Hampshire and North Dakota. Those people are paying half of what healthy people of the same age are paying in the State of Maine. You've got to keep that in mind. We're paying double. Healthy people in Maine are paying double what sick people are paying in other states, because they've implemented the reforms that are in 1206. It's so simple, it's so easy. I'm not saying that this bill would take care of all of our problems. We've got other health care issues to deal with, but it sure would be a welcome start. Rates will be permitted to go up 60 to 80 percent. You know, if I was paying 60 or 80 percent more than someone else, I wouldn't care if my rates were half of what they are now. That's fine. You've just got to remember the least healthy individuals out of state are paying half of what the healthy individuals in Maine are paying. Rates will go up for many in most rural areas. Well, that again, the facts dispute that. High-risk pools in other states cover less than 1% of the state's uninsured population. That's the point. You take that unhealthy 1% out of our insurance pool, who account for 40 % of all claims paid out, you lower the rates for everybody. That's how it works. Maine high-risk pool was repealed in 1994 due to lack of funding. That's because we funded it through the General Fund. It was simply the first time on the block to go. This high-risk pool would be funded by a per member per month, and it has up to \$4 per member per month. It's unlikely it would cost that much, it doesn't cost anywhere as near that much in New Hampshire. It's important to remember we still have guaranteed access with a high-risk pool and, again, where they've implemented these in other states, and we use New Hampshire and North Dakota because of similar demographics and size, population and so forth, they are paying half of what we're paying for an unhealthy individual in those states as opposed to a healthy individual in Maine. Thank you, Madam Speaker.

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

Representative **GOODE**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I rise briefly to explain my position in support of the Majority Ought Not to Pass motion. I'm going to briefly read just one sentence from the bill; this will explain exactly what we're voting on. It allows an insurance carrier; it says: a carrier may vary the premium rate due to age, health status and geographic area in accordance with the limitations set out in the following paragraph. So basically it's pretty clear that insurance companies will be able to treat people differently based on whether they're healthy or sick, based on whether they live in Bangor or Calais, based on how old they are. The bill also specifically says that they can't vary rates due to gender, but I had recommendations as to whether or not insurance companies would actually follow through on that, in particular, Representative Treat explained earlier reservations

about health status issues that affect women much more than men. We also know that areas of the state such as Washington County, women in Washington County face one of the lowest life expectancies in the nation, and I'm quite sure that an insurance company would be able to use geographic area to vary rates for those women in Washington County.

The other major reason why I'm opposed to this bill is it repeals guaranteed issue, again, meaning that insurance companies can treat a healthy person differently than a sick person. It will make up two separate pools, one where a healthy person, like myself, would go into one pool which would probably have lower rates and insurance companies would not have to pay out as much. It would take a sick person, many of whom I'm friends with, and put them in a separate pool where they could jack up rates and treat them differently and, Madam Speaker, that's why I'm opposed to this bill and will be voting for the Majority Ought Not to Pass motion.

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

Representative **PILON**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. The Chair of the Insurance and Financial Services Committee had said earlier that the cost of insurance that we may in the State of Maine is high, but that's not a problem. We should all be thankful that we are paying those high premiums and we're paying those high deductibles. We're lucky we have insurance in the State of Maine. We know that perhaps the major carrier in the State of Maine is the Blues, or Anthem, but the average deductible for a family in the State of Maine is \$7,000. But that's okay, we're lucky we have it. The only two markets in the state are Anthem and MEGA Life, and I think MEGA Life was recently fined by the Insurance Department for I think marketing fraud or something, so basically we have one carrier. A family of four is paying, with the \$7,000 deductible, approximately \$25,000 a year, but we're lucky to have it. Insurance costs in the State of Maine is high and our young people can't afford it so they've dropped off the rolls, and those that can afford it are still paying very high premiums. We have closed our borders. Maine is an island. We failed to pass the ability for Mainers to go across lines to buy insurance in other states, so we're kind of put a fence around Maine. You can't go outside the state to buy affordable insurance. Now here is a bill that would allow them to perhaps buy lower cost insurance, but we're not sure how this is going to go either.

So why not offer them affordable health insurance? Why not give them another product? It's voluntary, if they want to participate, let them participate. Who is it going to hurt? The state insurance commissioner will still be able to regulate them. That was a problem with the last bill. We were afraid that if they went across state lines, they weren't going to be able to regulate them. Well, this is a product that the state insurance commissioner will be able to regulate. What's a matter with that? When I was out campaigning my last election, I told my constituents that I'm going to go to Augusta and help you find affordable health insurance, health care. That was on my brochure: health care reform. Frankly, it was on my campaign before that and that campaign before that: health care reform, health care reform. Now I'm in my third term and, frankly, I haven't been able to give them health care reform. So I think that giving them a product or the ability for my constituents to find some kind of an affordable product, I don't think there's anything wrong with it, so I would support this. Thank you.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative **PRIEST**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. Health care

costs are high. They rise twice as much as regular inflation rates and they need to be controlled. There are a lot of ways to control them, but we haven't heard those ways today. Let's remind ourselves again of the history of the high-risk pool in Maine: Maine had a high-risk pool between 1988 and 1994. The enrollment in that high-risk pool never exceeded 450 people. This low enrollment, in part, was due to funding problems. Not a surprise. When the high-risk pool was started in Maine, insurers funded the pool. Guess what? That's what the proposal is today. Later it was funded by a surcharge on hospitals; that might sound familiar. Finally, it was funded by taxpayers. The Legislature ended the pool in 1994 due to financing. Costs for the high-risk pool were going up or the number of covered lives was decreasing. Clearly high-risk pools have a problem. They are expensive. They are expensive and they're difficult to fund. In fact, across the nation, states had to make up more than \$722 million in shortfall for high-risk pools or 41.67 percent of the costs of high-risk pools. There are a lot of problems in the health care system. I have a solution, but that's not before us today. This is not a solution. Thank you very much, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Morrison.

Representative **MORRISON**: Thank you, Madam Speaker. Good morning, Members of the House. My good friends Representative Goode and Representative Priest already brought up the points that I was going to make, but the one point I guess I will make is that we have to remember that we want a product that's going to benefit all Maine citizens, not just some but all. Not just the sick or not just the healthy, but all Maine citizens. So that's the reason why I was on the Majority Report on this particular bill and that's what the main reason why we have to support this Majority Report today and we should. Just to note the one thing that no one brought up was the fact that the Bureau of Insurance just denied Anthem their rate increase recently, so that's hope too that everyone is aware of rates and how much people pay for insurance today. So I want to echo what my fine Representatives in my committee had said already here—Representative Priest, Representative Goode and Representative Treat—and follow my light. Thank you.

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

Representative **FOSSEL**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I stand to suggest that if you follow the Majority Ought Not to Pass on this, you will have the same result you have as you've followed all the rest of the Ought Not to Pass, and that is the health insurance in this state has become more expensive and more unaffordable, except for the people in this chamber, who are the only people in the state who have part-time jobs with very full-time budgets. I suggest we put ourselves in the position of our constituents who can't afford health insurance and who are suggested to, over and over again, that this latest reform by the majority of the Insurance and Financial Services Committee will somehow improve the situation. Every single time it's made it worse. So if you're Charlie Brown and that Lucy's holding out that football again and you're assured, yet again, that Lucy is not going to pull it away, I suggest you follow the majority and pass this thing.

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

Representative **BERRY**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. It's very clear that if we were to pass this bill that it would cost every insured person in Maine a good deal more, and it's very clear from the bill itself, because LD 1206 funds the high-risk pool with an additional \$4 per insured person per month tax. That's \$192 for

every family of four, for every year, added to their insurance premium. I don't see how increasing the cost of our health insurance is a solution at this time. I ask the people to vote in favor of the pending motion, and I also ask that the Clerk read the Committee Report. Thank you.

Representative **BERRY** of Bowdoinham **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

Representative **GILES**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I attended a home show in my area, my district, this past weekend between the rain and the sun and all the wild weather. It was a great show. It had a lot of builders, contractors there, landscapers, local artists, architects and design people. Most of these folks are self-employed. There was over 100 vendors at the show and the attendance at the two day show was well over 1,000 people. When I had a few spare moments, I walked around and talked to some of these vendors and just asked them about the economy, asked them what was concerning them, and again, I stress that a lot of these were self-employed, all Maine owned businesses. I was surprised they were dealing with the economy very well, they seemed reasonably well optimistic they were going to get through the tough times and so forth. But when I asked them, because I mentioned to them that I was a legislator, what could we do, health insurance, fix the cost of health insurance, do something about health insurance, please, please, please, I heard it over and over again. These are people, business owners that want to provide health insurance to their employees, they're trying to do so, but it is becoming increasingly impossible to do so. I talked with one, in particular, and she told me, she said my husband and I, they both, he's an artist and she does writing, that they had gone to what she considered was just covering themselves on a catastrophic basis. She said, "Jayne, we did that to keep our premium so we could afford it." She said, "We now have \$15,000 deductibles. She said, "And our premiums are still going up." So as I stand before this body, I support the concept of what this bill does. I support an idea of trying to do something that allows the insurance companies in this state some flexibility to be able to provide more products to us at more affordability, and I'm quite concerned that some of the information put in front of us has presented a case that shows this is only going to raise costs for people and it really doesn't seem to take into consideration that the high-risk pools or reinsurance, whatever you want to call them, has been tried in 34 other states and done so successfully and done so that those citizens in those states now have health insurance that's more affordable than ours. So I really feel the time has come for us to look at our health insurance system, the cost of it, and try to do something that is going to help our citizens in the State of Maine. Thank you.

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

Representative **MAGNAN**: Thank you, Madam Speaker. Madam Speaker, honorable Members of the House. As a person swimming in this high-risk pool, I've to tell you that it isn't a place you really want to be, but I'm not the only person in this House who would find themselves in that pool. Then what? We actually all have to be in the pool together. Who's moving to Maine these days? Well, there are very young immigrants from foreign countries and that's wonderful, and there are retirees coming from other places, and you know what? We spend money, we do good, we keep this economy afloat here in many areas and in many cases. We'll flee if we have to find ourselves in a high-risk

pool where we are carrying the boat of the cost of health care. You know, even people in the high-risk pools can have their needs addressed, be stabilized and lead productive and healthy lives, and because they get the care, they can be productive for a good long time. I'm sorry, I just cannot go along with discriminating and I would call this the discrimination pool, because it's puts a group of people, and I said it's a group of people, who should not be isolated from the rest. We worked for years and years and we paid into this pool, in the grand pool of things, and kept health care afloat. I don't think it's time for us to be separated out to pay much more than that. We don't deserve to be marginalized. I know there are young people with health issues, but we've pretty much taken care of that with the Cub Care, and there are other people with younger people with health issues, who will be in this pool with us, and god bless them. But I think the Federal Government is going to try and give health care a reform shot, and I think we should be waiting for that to see what happens. I don't think we need to precipitate this at this time. I don't think that we need to make a lot of health care decisions this year. I think we've got to give the Federal Government a chance to see if they will build on something that we've done, like Dirigo or Massachusetts, and make it work better. Then perhaps, if that's not the case, we can take a look at total reform, but the high-risk pool should not be the place to do it. Thank you.

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

Representative **PRESCOTT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I'm beginning to think that we're afraid to actually succeed here in Maine. I know I may sound a little negative, but I really believe that establishing a high-risk pool is the way to go. A point to consider about the equality issue: We still would have guaranteed access to insurance here in Maine if this were to pass, and we need to allow our young people the chance to actually have health insurance. Currently, right now, they pay the same as our seniors. How fair is that to them, who are just starting out, who are getting out of college with college loans and debt that we never thought of having when we got out, and they're starting their lives and have a choice to make. Their choice isn't which insurance to buy, it's about whether they have it or not. In my district, I know that there are so many of them that are going without, which is driving up the price all over Maine. So where's the fairness there? They're young. For the most part, most of them are probably healthy, if you're going to compare them to an elderly generation. The numbers of the individual insurance market have declined. In 2003, we had 32,286 people on Anthem; 2007 down to 30,214 and probably it declined since then. They go without because we leave them no choice, and at least with the risk-pool, they'll be able to purchase health insurance and start their lives and be rewarded for taking care of themselves. They might even consider preventative medicine. Now there's a thought there, that we actually take care of ourselves so that we don't get sick. But how can they afford that right now with the rates that we're paying in Maine? We know other states are doing this, everybody in this chamber knows that. Let's do something about it. Let's do what our constituents are asking to do, which is what we hear out there on the streets, forget that we're in here in this room where things work a little differently than the rest of the world, and go out there and be a citizen and represent what they want. Thank you, Madam Chair.

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



Representative **BECK**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I rise in support of the pending motion, not because of concerns about discrimination or equality. Many of us might not know that we do allow for some discrimination and underwriting in the State of Maine under current rules based on age and health status and geography. But I support the pending motion because we tried a high-risk pool back in the late 80s and mid 90s, it did not work, the funding was not reliable and this is the wrong solution at the wrong time. Thank you.

The SPEAKER: The Chair recognizes the Representative from Eddington, Representative Pratt.

Representative **PRATT**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. Very briefly, a couple of things. I agree with a lot of what's been said today, but as a member of this body who still has a lot of college loans and who didn't have any insurance until I was elected to this good body a few years ago, I think I understand the concerns of the good Representative from Topsham, Representative Prescott, but I am not willing to subsidize the healthy on the backs of the poor and the sick. I'm not willing to do that. I don't think that's fair, okay? This, to me, the biggest reason that I support the pending motion is that I represent a relatively rural district, and it blows my mind that anyone here in this body will be supporting high-risk pools if you represent rural districts, because that's where those prices are going to go up. Even if you're a relatively healthy, not even a sick person, out in Aroostook or Washington or Piscataquis or Penobscot, on the rim counties as we like to call them, you're going to see your rates go up. There's just no doubt about it. If you're like a 55 year old fellow from Clifton, who works out in the woods who happens to have diabetes, look out. You ask do what your constituents want, people are asking me to do what your constituents are asking you to do. I came down here to do my best to protect the most vulnerable of citizens, alright, and, right now, I understand that their health insurance is high, trust me, I heard it too. But I'm just not willing to subsidize the healthy or make it less expensive for us on the backs of the most poor and the most sick, and maybe I'm wrong, but that's how I see it. Thank you for your time.

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

Representative **BICKFORD**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise in opposition to the Majority Ought Not to Pass Report, and I want you to think about something. On record, there's about 78 percent of the uninsured people in Maine are uninsured by choice. They're uninsured because their health insurance premiums are just too extraordinary for them to handle. If we take a group of health insurance carriers, which is a very small group, who they insure, primarily a lot of them are high-risk or medium-risk. Out of the 78 percent that are uninsured, how many of those would be low-risk and, if you just do some simple math and you look at the health insurance companies paying out ungodly amounts per insured person, if they can spread that out and have more people insured, it's actually going to lower their costs and lower the cost of premiums, not only for the ones that are uninsured now that would like to get low-cost insurance, but even the high-risk pool. I believe you're going to see that come down. We heard a lot of testimony about 1988 through 1994 and the high-risk pool. Well, since it's gone away in 1994, what's happened with health insurance rates? Where are they now? If not having a high-risk pool has put us where we are today, maybe having a high-risk pool would have been a thing to keep; maybe we wouldn't be paying what we're paying now. Thank you.

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

Representative **TREAT**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. Just a few quick points hoping that we could wrap this up. First of all, there was some mention that there is something voluntary about this. There's nothing voluntary about this legislation. You're not going to have any choice about whether you're in a high-risk pool or not in a high-risk pool. That choice is going to be made for you. Your choice will be I'll get my insurance in the high-risk pool or I'll have no insurance at all. Now I understand that there are many people today that do not have any insurance, but we don't want to replace, increase the cost on everybody to provide for not good insurance, in fact bad insurance and very expensive insurance. The reason that so few people are using the high-risk pool in many of these other states is that the insurance that's provided through that is very expensive and it doesn't cover the kinds of things that people need to have covered. Many of those have very low caps on the total lifetime or yearly benefits and they have generally ended up capping the number of people in them. Now I understand that the legislation before you has a high annual fee, a high annual amount of benefits. It seems to be high, but we know that cancer costs can go well into the many millions of dollars, so it may not be as high as people think.

But I need explain a little bit about how the high-risk pool tends to work, which is that you apply for health insurance and, unlike today, you can be denied. Okay, what happens then? Well, if you go to another company and try to get insured there, basically there's a black mark on your record and in fact I was just reading in the *New York Times* yesterday, I think it was yesterday, there was a whole piece called "Your Personal Finance" and it went through high deductible policies and it said whatever you do, don't apply to a lot of companies trying to get a good quote, because the minute you are denied by one, it's basically a black mark and the other companies can deny you insurance if you're in a state that doesn't have guaranteed issue. Now in Maine, right now, we do have guaranteed issue so you cannot be denied, but under this legislation you could be denied. Okay, then what's your choice? High-risk pool or no insurance whatsoever, even if you have the money. Well what happens is, over time, more and more people get put into this high-risk pool and the costs go up, because there's more people in it and because their health care costs, you know more and more health care costs need to be dealt with over time, particularly if someone is put into the high-risk pool at a relatively young age and obviously their health care costs over their lifetime are going to be part of that high-risk pool. Well, as those costs go up, then so does the cost of funding that high-risk pool and that cost, as the Representative from Bowdoinham, Representative Berry pointed out, in the legislation is set at \$4 per person. That's every person who has health insurance, not every person who is in the high-risk pool, and that has tended not to be enough money in other states, so what happens? Well, then they go to the General Fund or they cap enrollment, and slowly but inextricably the high-risk pool gets smaller and smaller because there's just not enough money to pay for it, and more and more people are outside of it. It is not the panacea.

Now another statement that was made, well what's the harm, let's try some reform here. Well there is harm here. There absolutely is harm and you will see people living in parts of the state that are more rural having significantly higher rates. Now I doubt very much that passing this is going to reduce their overall costs, so that even if it's allow to vary by 80 percent over somebody in the southern part of the state, it's still going to be cheaper, because the cost of providing medical care in those

same parts of the state as the Representative from Brunswick, Representative Priest, pointed out, some of those costs are incredibly large and there's a significant variation between those parts of the state and the more competitive parts of the state where there's many more options for medical care. So it's really going to be a double whammy for those people living in those parts of the state, so there is indeed harm.

Now in one of the written materials that was handed out, there was a statement there that there was a million dollars available to start up our high-risk pool. This is not true. There may have been a million dollars some years ago, but we specifically had our analysts check into it and there is no money available from the Federal Government for a high-risk pool. Indeed, what's the Federal Government doing right now? Most of the major health care initiatives pending right now in Congress would impose a guaranteed issue rule. Guaranteed issue, that's what Maine already has. This bill would repeal it. Guaranteed issue, what does that mean again? It means that you can't be denied health insurance in the State of Maine. Yes, you have to be able to pay for it, but this is not the only so-called reform. I don't call something a reform if it does something that harms people, that's not reform. Reform is making things better and we do have other legislation coming down the pipe that will look to lower those health insurance rates. We also did pass a pilot project for young people. We also passed, last year, legislation that was a reinsurance fund which did not segregate people out into this separate pool but helped everybody, but the funding mechanism was repealed. I am sure that, if this legislation is passed, we're going to end up in the same situation in a very short period of time, which is we're going to be struggling to come up with the money to pass for it, and until we have that funding mechanism assured, none of these policies are going to work. We're going to have trouble with all of them. So I think that we need to move forward on health care, on health insurance, but this isn't the way to go, this is not the way to go, it has not worked in other places, and it hasn't worked in Maine, as has been pointed out, and we have other options.

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

Representative **CASAVANT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I think it's important, when we look at the high-risk pool, to dispel the notion of the stereotype of those in the high-risk pool. Five years ago, I had a heart attack. Where did I have it? In a gym working out. I played hockey regularly, I did all these things regularly. I had this heart attack, so now my lifestyle is such that I feel like the characters that went and flew over the cuckoo's nest. When I get up for breakfast, I have this litany of pills that I have to take. I tell you that because I did every single thing right, every thing, but from some chance, I had this gene that causes my body to clot—well, put it this way, I was the talk of cardiologists all in New England when I had it, because nobody could believe that anybody with so little plaque could have such a huge clot, but I did. I tell you that because nobody gets up in the morning and says, geez, I'd love to have a heart attack today or I'd love to get cancer today, or whatever it is, it can strike anybody at any age. So it's not from an abusive body in all cases, but it's just from chance, bad luck, and so those people who do things the right way, do they belong in a high-risk pool? Thank you.

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

Representative **BUTTERFIELD**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I, too, have heard over and over again from constituents about this being simply their number one issue. This is the thing that

everything else depends on, the high cost of health care in Maine. But I'm simply not going to go back to my family, to my relatives who have diabetes, I'm not going to go back to my family with a history of heart illness brought on, as the good Representative from Biddeford, Representative Casavant, just pointed out, not by an unhealthy lifestyle but by a quirk of genetics. I'm not going to go back to them and say I fixed it; I raised your rates for you.

To compare this to the experience in other states, first of all, I'm surprised to find out that Maine is the only state with a problem of skyrocketing health care costs because, as I understand it, this is a national problem, it's not just a problem in Maine. I simply don't see taking the worst experiences of other states on here as a possible solution. But finally, Madam Speaker, this is like saying, to compare this to the experience in other states is like saying we'll let you buy a car in another state and then finding out later that, as it turns out, they're allowed to sell it to you without brakes. This is a bad plan, I'm voting no. I'd urge you to follow my light. Thank you.

The SPEAKER: The Chair recognizes the Representative from Turner, Representative Sirosis.

Representative **SIROIS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I am not going to support the pending motion and I also supported allowing individuals in Maine to go outside of the State of Maine to purchase insurance. I don't know if this is the answer, and I'd be in that pool too, I'm one of those one percent that cost insurance companies 40 percent of their payouts. But what is it, the definition of insanity, do the same thing over and over again and expect different results? I think that's where we're at. We've been doing the same thing and we're one of the highest cost insurance states. We have people in this state that are paying thousands of dollars in deductibles. Basically, their insurance is no good unless they have a catastrophic illness. That's the only time that insurance company is going to pay out. We've done things in this state to drive insurance companies out. We have very few insurance companies and, as one of the Representative's said, that the Insurance Commission, I believe, didn't give Anthem what they wanted, but what he didn't say is they wanted 16 percent and they got over 10 percent, and that happens year in and year out. When we have the Maine insurance carrier in this state making hundreds of thousands of dollars a year profit and they keep upping the premiums 10, 15, 20 percent, something is wrong with that picture. So that's why I'm not going to support this.

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. This is not a way to go, Ought to Pass. This will be harmful to women, especially, and don't get old and don't get sick. Please vote Ought Not to Pass on this bill. Thank you.

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

Representative **PILON**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Just a couple of issues. There was a concern by one of my colleagues that the elderly that come to Maine shouldn't pay their fair share or something along that line, but many of them are on Medicare so they don't even come into play here, they don't even come into play. A lot of the elderly that are coming into Maine are 65 or older, so they're on Medicare, so they're not a part and wouldn't be a part of this pool issue. High deductibles prevent people—these people are paying \$7,000 in deductibles or in co-pays—prevent people from getting the basic annual checkup,

mammograms, colonoscopies, so that all plays into our unhealthy population. I think my colleague from Brunswick brought up a good point and I wanted to jump up after he spoke, but I'm waiting my turn here, look at the successfulness, or not, of Dirigo. I think we have approximately 8,000 to 9,000 participants in the program right now, we're funding it at roughly around \$52 million a year and it's been capped. They're not accepting any new enrollees, so that's not a very successful, in my opinion, that's not very successful. They're not even a player in the marketplace. Again, we go back to who's participating, where are the markets? The markets right now are Anthem, Anthem, Anthem, that's the only market right now. Dirigo is not even in the game; MEGA Life is really not in the game. All I'm hearing today are excuses. This is a solution. Thank you.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative **PRIEST**: Thank you, Madam Speaker. Let's not take Dirigo as the comparison to this so-called solution. Dirigo has had a problem with funding because of the way we set it up; that will be changed by another bill. This bill has the same flaws that the old high-risk pool had. There's going to be no change, this will not work.

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

Representative **RUSSELL**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I genuinely appreciate the concern for young people; however, I find it interesting that most of the younger people that have spoken up have asked the body to vote against high-risk pools. I must say that this isn't just about age. One of my very close friends has diabetes and, as Representative Casavant pointed out, not every medical issue is due to their fault. In fact, he had a real problem when he was a kid and he has diabetes due to malpractice. He's 25 years old. Also, I want to know that my parents can afford health insurance. I recognize what Representative Pilon said that the elderly are on Medicare, but my parents aren't that old yet and I would really like to make sure that they are able to have health insurance, regardless of their health status, and cancer runs in my family. If they can't afford their health insurance and if one of them gets sick, they're not going to be able to do that on a high-risk pool, who do you think is going to pay for it? It's going to be my 29 year old brother and myself.

So I appreciate, again the concern for where young folks are and we do face some very specific challenges that we're trying to address head-on, but if folks really want to help the younger generation, let's have a conversation about wages. Young people and women disproportionately make the minimum wage: \$7.25 an hour. No matter what you do, short of a single payor universal health care, at \$7.25 an hour you're not going to be able to afford your health insurance. This is not the time for band-aids on tumors, this is a time for real solutions and real debates and, frankly, this isn't anything other than a band-aid and we do have a really problem and we've got to find a real solution and, if you're concerned about the young people, please don't burden us with a high-risk pool. It didn't work in the 80's and it's not going to work in the 2000's. Thank you.

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

Representative **BOLAND**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I just had to rise and say that this discussion is somewhat troubling to me because, again, it really isn't much of a solution. I'll be voting against it. But the discussion we really should be having is about our health care system today, which we hear and see and

experience, is broken. There are too many people getting sicker and sicker and in the hospital, Mercer and various other things. We really have to look at that, why people are getting sicker and sicker, even on the care that they're getting, you know the medicines. My husband didn't die of cancer; they expected he would die of cancer. He died from the chemotherapy. I have a friend who went in for surgery, she came out with dementia. The doctor later said, well, they gave her too much chemotherapy. We've got a much bigger problem here and you know I've tried to bring this issue before. The Insurance and Financial Services Committee didn't want to look at wellness issues and nutrition, even though most of our chronic disease is diet related, and this House didn't really want to, we could really cut our costs and save people a lot if we could improve education and support to people who really know maybe that there's things that they could do and don't but aren't quite clear exactly what. So I would really say that I hope the discussion, at some point, moves from how we pay the insurance companies to how we give our people better health in the first place. Thank you.

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

Representative **McKANE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I apologize for getting up a second time. You would think that everyone with a sniffle is going to go into this high-risk pool, but in fact it would only be about one percent of the population, only those with very, very annual health care rates. Most of us would not be in the high-risk pool. Out of this group right here, who probably are healthier than average, maybe one or two. The way it's been described, there would only be one or two left in the pool and those would be snatched up by some unscrupulous insurance company. We also, all of us would be in this high-risk pool, or a large percentage, you go in with a sniffle; you're out of here, high-risk pool. Your rates are also going up 80 percent. That's just not true, it's just not true. It's worked successfully in other states; the rates are lower in other states that have high-risk pools for every body, for their young, the old, the sick, the well.

In response to the Representative from Hallowell that we would have no choice, I would say we have very little choice now except to pay absorbently high rates to our monopolized system. That is it.

I also would like to know why these horror stories haven't materialized in New Hampshire or North Dakota. They don't. They're scare tactics. Yeah, there was \$1 million available for states to establish a high-risk pool. I'm sorry to hear that it is no longer available. It was there for years. It came from the Federal Government, it was passed on by bipartisan legislation because the Federal Government, along with right now 34 other states, realized that high-risk pools are the way to go, at least until we get this wonderful national health care bill that comes up, whenever it does come up, if it comes up. Until then, let's do what works and this works.

Just one more word on the funding: This bill is a different kind of funding than the high-risk pool that Maine had in the early 90's, completely different. That was funded through the General Fund, this is funded by a per member per month assessment on ratepayers. Thank you.

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. 150

YEA - Adams, Beaudoin, Beck, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Butterfield, Cain, Campbell,

Carey, Casavant, Clark H, Cleary, Cornell du Houx, Crockett P, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Flemings, Gilbert, Goode, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Kruger, Lajoie, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, Miller, Morrison, Nelson, O'Brien, Pendleton, Peoples, Percy, Peterson, Pieh, Piotti, Pratt, Priest, Rankin, Rotundo, Russell, Sanborn, Schatz, Smith, Stevens, Stuckey, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

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

ABSENT - Ayotte, Cebra, Cushing, Eves, Greeley, McLeod, Perry, Robinson.

Yes, 85; No, 58; Absent, 8; Excused, 0.

85 having voted in the affirmative and 58 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 Not to Pass** on Resolve, Directing the Department of Education To Include the Study of Family and Consumer Science in the System of Learning Results (H.P. 702) (L.D. 1027)

Signed:

Senators:

ALFOND of Cumberland  
SCHNEIDER of Penobscot  
WESTON of Waldo

Representatives:

SUTHERLAND of Chapman  
WAGNER of Lewiston  
LOVEJOY of Portland  
NELSON of Falmouth  
RANKIN of Hiram

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-462)** on same Resolve.

Signed:

Representatives:

FINCH of Fairfield  
CASAVANT of Biddeford  
RICHARDSON of Carmel  
McFADDEN of Dennysville  
JOHNSON of Greenville

**READ.**

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

Representative CURTIS of Madison **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought to Pass as Amended** Report.

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

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

Representative **NASS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise certainly in support of this motion. Actually, my colleague across the aisle there, Representative Boland, gave me a certain segue to what I wanted to say. Obesity, heart disease, homelessness, poor parenting, domestic abuse, credit card debt—what do these things have in common? Let me suggest to you they all stem from lack of education and basic life skills, the ability to navigate and maintain balance in today's crazy world.

The Learning Results established in the 1990's were designed to help educators identify knowledge and skills essential to prepare Maine students for work, higher education, citizenship and personal fulfillment. While these goals were laudable, I firmly believe that we failed to teach our young people basic life skills.

Making sure our children have knowledge and sound nutrition, and being able to put it into practice, certainly might mitigate some of the ill effects of our overweight population. This alone could save us huge amounts of money in medical treatment for diabetes, heart problems, hypertension, joint problems and depression, just to name a few things.

Current economic crisis has shown us the dangers of unbalanced budgets and deficit spending. Home foreclosures, debt collections are all occurring at alarming rates. Clearly there is a need to educate students about personal finance. How many can balance a checkbook? How many understand that making a minimum payment on a credit debt will eat them alive? Ignorance of these fundamental life skills has brought many Maine families to financial ruin. We all know the lesson of compound interest. You must invest to reap rewards. We must simply invest in our children early to reap the greatest reward for them in our state.

Recently we have integrated these skills into other areas of learning, but not necessarily had performance indicators to show our students are learning these skills. This resolve directs the commissioner of education to bring together a working group to develop recommendations for the inclusion of family and consumer science, which to some of you was home economics, to take these concepts as performance indicators within the system of learning results, by including one or more FCS teachers in a working group convened to review the system of learning results. This is a wonderful first step. I ask that you follow my light and vote green to accept the Minority Report. Thank you.

Subsequently, Representative CURTIS of Madison **WITHDREW** his **REQUEST** for a roll call.

Subsequently, the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-462)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-462)** and sent for concurrence.

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended**

by **Committee Amendment "A" (H-446)** on Bill "An Act To Establish a Health Care Bill of Rights"

(H.P. 830) (L.D. 1205)

Signed:

Senators:

BOWMAN of York  
ALFOND of Cumberland

Representatives:

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

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

Signed:

Senator:

McCORMICK of Kennebec

Representatives:

FOSSEL of Alna  
WEAVER of York  
RICHARDSON of Warren

**READ.**

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

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

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### CONSENT CALENDAR

#### First Day

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

(S.P. 483) (L.D. 1337) Bill "An Act To Protect Maine Citizens and Franchised New Motor Vehicle Dealers" (EMERGENCY) Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-262)**

(S.P. 552) (L.D. 1477) Resolve, Authorizing the Finance Authority of Maine To Oversee an Obligation Owed to the State by Lincoln Paper and Tissue, LLC Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-257)**

(H.P. 647) (L.D. 944) Bill "An Act To Increase the Evidentiary Standard Required to Establish a Guardianship" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-479)**

(H.P. 755) (L.D. 1093) Bill "An Act Concerning Technical Changes to the Tax Laws" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-476)**

(H.P. 787) (L.D. 1143) Bill "An Act To Establish Child Custody and Domestic Violence Presumptions" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-472)**

(H.P. 843) (L.D. 1223) Bill "An Act To Allow Pharmacists To Administer Certain Immunizations" Committee on **BUSINESS,**

**RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-473)**

(H.P. 900) (L.D. 1297) Bill "An Act To Abolish the State Board of Education" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-478)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED as Amended** in concurrence and the House Papers were **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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### CONSENT CALENDAR

#### Second Day

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

(S.P. 116) (L.D. 352) Bill "An Act To Encourage Veterinary Practice in Maine" (C. "A" S-258)

(S.P. 429) (L.D. 1157) Bill "An Act To Improve the Use of Information Regarding Sex Offenders" (C. "A" S-264)

(S.P. 507) (L.D. 1404) Bill "An Act To Enact the Maine Uniform Power of Attorney Act" (C. "A" S-240)

(S.P. 512) (L.D. 1428) Bill "An Act Regarding the Pay of Tribal Representatives" (EMERGENCY) (C. "A" S-256)

(S.P. 519) (L.D. 1435) Bill "An Act To Amend Sentinel Events Reporting Laws To Reduce Medical Errors and Improve Patient Safety" (C. "A" S-248)

(S.P. 536) (L.D. 1451) Bill "An Act To Amend the Maine Clean Election Act and the Enforcement Procedures of the Commission on Governmental Ethics and Election Practices" (C. "A" S-242)

(S.P. 543) (L.D. 1459) Bill "An Act To Modify Child Support Enforcement Procedures and Requirements" (C. "A" S-241)

(S.P. 548) (L.D. 1471) Bill "An Act Concerning Debarment from Contracts with the Department of Environmental Protection" (C. "A" S-239)

(H.P. 420) (L.D. 582) Bill "An Act To Amend the Statute of Limitations for Actions against the Estate of a Decedent" (C. "A" H-458)

(H.P. 457) (L.D. 643) Bill "An Act To Authorize a Court To Appoint a Parenting Coordinator To Assist in Domestic Relations Actions" (C. "A" H-459)

(H.P. 464) (L.D. 650) Bill "An Act To Create a Sustainable Funding Mechanism for Water and Wastewater Infrastructure in the State" (C. "A" H-455)

(H.P. 742) (L.D. 1075) Bill "An Act To Promote Community-based Energy" (C. "A" H-463)

(H.P. 864) (L.D. 1245) Resolve, To Improve the Continuity of Care for Individuals with Behavioral Issues in Long-term Care (EMERGENCY) (C. "A" H-460)

(H.P. 876) (L.D. 1257) Bill "An Act To Require Legislative Consultation and Approval Prior to Committing the State to Binding International Trade Agreements" (C. "A" H-457)

(H.P. 1023) (L.D. 1470) Resolve, To Recognize Women Veterans in the State House Hall of Flags (C. "A" H-456)

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

(S.P. 157) (L.D. 454) Bill "An Act To Provide Representation for Dog Clubs on the Animal Welfare Advisory Council" (C. "A" S-243)

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

The Unanimous Committee Report was **READ**.

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

(S.P. 545) (L.D. 1465) Bill "An Act To Facilitate Testing and Demonstration of Renewable Ocean Energy Technology" (C. "A" S-249)

On motion of Representative HINCK of Portland, was **REMOVED** from the Second Day Consent Calendar.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-249)** was **READ** by the Clerk and **ADOPTED**

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-249)** in concurrence.

(H.P. 519) (L.D. 760) Bill "An Act To Improve Landfill Capacity" (C. "A" H-451)

On motion of Representative MARTIN of Eagle Lake, was **REMOVED** from the Second Day Consent Calendar.

The Unanimous Committee Report was **READ**.

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

**BILLS IN THE SECOND READING**

**House**

Resolve, To Examine Data Discrepancies and Adequately Identify and Serve Children with Brain Injuries

(H.P. 597) (L.D. 866)

**House as Amended**

Resolve, To Establish the Study Commission Regarding Teachers' Salaries (EMERGENCY)

(H.P. 367) (L.D. 522)

(C. "A" H-420)

Bill "An Act To Permanently Establish the Position of Director of Recreational Access and Landowner Relations"

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

(H. "A" H-447 to C. "A" H-153)

Resolve, Directing the Department of Education and the Department of Agriculture, Food and Rural Resources To Convene a Work Group To Strengthen Farm-to-school Efforts in the State (EMERGENCY)

(H.P. 784) (L.D. 1140)

(C. "A" H-461)

Bill "An Act To Update Department of Defense, Veterans and Emergency Management Laws"

(H.P. 931) (L.D. 1327)

(H. "A" H-467 to C. "A" H-390)

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.

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

Bill "An Act Regarding the Central Voter Registration System" (H.P. 1037) (L.D. 1484)

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

On motion of Representative TRINWARD of Waterville, was **SET ASIDE**.

The same Representative **PRESENTED House Amendment "A" (H-486)** which was **READ** by the Clerk and **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-486)** and sent for concurrence. **ORDERED SENT FORTHWITH**.

Bill "An Act To Clarify the Beano and Bingo Laws as They Apply to Federally Recognized Indian Tribes"

(H.P. 371) (L.D. 526)

(C. "A" H-442)

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

On motion of Representative TRINWARD of Waterville, was **SET ASIDE**.

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

Bill "An Act To Designate Sales Tax Holiday Weekends"

(H.P. 792) (L.D. 1148)

(C. "A" H-400)

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

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

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

Bill "An Act To Prohibit the Delivery of Tobacco Products to Consumers To Prevent the Sale of Tobacco Products to Minors"

(H.P. 850) (L.D. 1230)

(C. "A" H-438)

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

On motion of Representative BERRY of Bowdoinham, 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 Clarify the Taxability of Promotional Credits in the State Gaming Laws

(S.P. 346) (L.D. 924)

(C. "A" S-205)

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.

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

The House recessed until 3:30 p.m.

(After Recess)

The House was called to order by the Speaker.

**Acts**

An Act Regarding Emergency Involuntary Admission of a Participant in the Department of Health and Human Services' Progressive Treatment Program to a State Mental Institute  
(S.P. 101) (L.D. 337)

An Act To Amend the Department of Health and Human Services' Progressive Treatment Program  
(S.P. 105) (L.D. 341)  
(C. "A" S-197)

An Act To Amend the Law Concerning Adverse Possession  
(S.P. 133) (L.D. 391)

An Act to Regulate Swim Areas on Inland Waters  
(H.P. 303) (L.D. 415)  
(C. "A" H-304)

An Act To Increase the Jurisdictional Limit for Small Claims  
(H.P. 331) (L.D. 443)  
(C. "A" H-335)

An Act To Allow the Award of Court Costs or Attorney's Fees in Protection from Harassment Actions  
(H.P. 471) (L.D. 657)  
(C. "A" H-336)

An Act To Provide for the Safe Collection and Recycling of Mercury-containing Lighting  
(H.P. 675) (L.D. 973)  
(C. "A" H-341)

An Act To Continue To Reduce Mercury Use and Emissions  
(H.P. 717) (L.D. 1042)  
(C. "A" H-346)

An Act To Provide Consumer Disclosures and Protect Consumer Options in Life Insurance  
(S.P. 397) (L.D. 1063)  
(C. "A" S-200)

An Act To Allow a Municipality To Grant a Variance for the Construction of a Parking Structure for a Person with a Permanent Disability  
(H.P. 811) (L.D. 1172)  
(C. "A" H-299)

An Act To Streamline the Process for Court-ordered Mental Health Examinations in Criminal Cases  
(H.P. 824) (L.D. 1200)  
(C. "A" H-337)

An Act To Update the Site Location of Development Laws  
(H.P. 887) (L.D. 1268)  
(C. "A" H-339)

An Act To Clarify the Laws Regarding Significant Groundwater Wells  
(H.P. 888) (L.D. 1269)  
(C. "A" H-340)

An Act To Amend the Charter of the Clinton Water District  
(H.P. 959) (L.D. 1369)  
(C. "A" H-338)

An Act To Increase the Safety of Maine State Troopers  
(H.P. 963) (L.D. 1373)  
(C. "A" H-322)

An Act To Clarify Apportionment of Benefits for Multiple Work Injuries  
(S.P. 500) (L.D. 1384)  
(C. "A" S-203)

An Act Pertaining to Response Costs Incurred by the Department of Environmental Protection under the Waste Motor Oil Disposal Site Remediation Program  
(S.P. 502) (L.D. 1386)  
(C. "A" S-204)

An Act To Assess the Physical Education Capacity of Elementary Schools in Maine and To Establish the Obesity and Chronic Disease Fund within the Department of Education  
(H.P. 983) (L.D. 1407)  
(C. "A" H-343)

An Act Relating to Biomass Gasification  
(S.P. 554) (L.D. 1479)

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 Provide for the Long-term Funding of Programs of the Department of Inland Fisheries and Wildlife  
(S.P. 75) (L.D. 225)  
(C. "A" S-201)

Resolve, Related to the Maine Estate Tax  
(H.P. 653) (L.D. 950)  
(C. "A" H-334)

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

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

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

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

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

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

**ROLL CALL NO. 151**

**YEA** - Adams, Austin, Beaudette, Beaudoin, Beaulieu, Beck, Berry, Bickford, Blodgett, Boland, Bolduc, Briggs, Browne W, Bryant, Burns, Butterfield, Cain, Campbell, Carey, Casavant, Cebra, Celli, Chase, Clark H, Clark T, Cleary, Cohen, Connor, Cotta, Crafts, Cray, Crockett J, Crockett P, Curtis, Davis, Dill,

Dostie, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Finch, Fitts, Flaherty, Flemings, Fletcher, Flood, Fossel, Gifford, Gilbert, Giles, Goode, Hamper, Hanley, Harlow, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Johnson, Jones, Joy, Kaenrath, Kent, Knapp, Knight, Kruger, Lajoie, Langley, Legg, Lewin, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McFadden, McKane, Miller, Millett, Morrison, Nass, Nelson, Nutting, O'Brien, Pendleton, Peoples, Percy, Peterson, Pieh, Pilon, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rankin, Richardson D, Richardson W, Rosen, Rotundo, Russell, Sanborn, 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, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - NONE.

ABSENT - Ayotte, Blanchard, Cornell du Houx, Cushing, Eves, Greeley, McLeod, Perry, Robinson, Schatz.

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

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

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

SENATE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (S-244)** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Allow the Sale and Use of Consumer Fireworks"

(S.P. 435) (L.D. 1187)

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

Representative CELLI of Brewer **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. 152

YEA - Adams, Beaudoin, Beck, Berry, Blodgett, Boland, Briggs, Bryant, Cain, Campbell, Carey, Casavant, Cohen, Crockett P, Dill, Dostie, Driscoll, Duchesne, Eberle, Finch, Flemings, Flood, Gilbert, Goode, Harlow, Haskell, Hayes, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Kruger, Lajoie, Legg, Lovejoy, MacDonald, Magnan, Martin JL, McCabe, Miller, Morrison, Nelson, Pendleton, Percy, Pieh, Pilon, Piotti, Pratt, Priest, Rankin, Rotundo, Russell, Sanborn, Sirois, Smith, Stuckey, Sutherland, Theriault, Treat, Trinward, Valentino, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Wright, Madam Speaker.

NAY - Austin, Beaudette, Beaulieu, Bickford, Bolduc, Browne W, Burns, Butterfield, Cebra, Celli, Chase, Clark H, Clark T, Cleary, Connor, Cotta, Crafts, Cray, Crockett J, Curtis, Davis, Eaton, Edgecomb, Fitts, Flaherty, Fletcher, Fossel, Gifford, Giles, Hamper, Hanley, Harvell, Hill, Hinck, Hogan, Johnson, Joy, Knapp, Knight, Langley, Lewin, Martin JR, Mazurek, McFadden, McKane, Millett, Nass, Nutting, O'Brien, Peoples, Peterson, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Rosen, Sarty, Saviello, Shaw, Stevens,

Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tilton, Tuttle, Weaver, Wheeler, Willette.

ABSENT - Ayotte, Blanchard, Cornell du Houx, Cushing, Eves, Greeley, McLeod, Perry, Robinson, Schatz.

Yes, 70; No, 71; Absent, 10; Excused, 0.

70 having voted in the affirmative and 71 voted in the negative, with 10 being absent, and accordingly the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**.

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

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

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

SENATE DIVIDED REPORT - Majority (10) **Ought to Pass as Amended by Committee Amendment "A" (S-265)** - Minority (3) **Ought Not to Pass** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Ban Racial Profiling"

(S.P. 526) (L.D. 1442)

Which was **TABLED** by Representative PIOTTI of Unity pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Subsequently, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-265)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-265)** in concurrence.

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 Friday, May 29, 2009, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Resolve, Regarding Continuity of Care in the Child Development Services System

(S.P. 188) (L.D. 489)

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-232)**.

**TABLED** - May 28, 2009 (Till Later Today) by Representative SUTHERLAND of Chapman.

**PENDING - ADOPTION OF COMMITTEE AMENDMENT "A" (S-232)**.

Subsequently, **Committee Amendment "A" (S-232)** was **ADOPTED**.

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

Representative SUTHERLAND of Chapman **PRESENTED House Amendment "A" (H-487)**, which was **READ** by the Clerk.

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

Representative **SUTHERLAND**: Thank you, Madam Speaker. Madam Speaker, Colleagues of the House. This is



merely an emergency preamble. It allows the Department of Education to prepare the appropriate rules so that services can be provided to children this summer.

Subsequently, **House Amendment "A" (H-487)** was **ADOPTED**.

Under further suspension of the rules, the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-232) and House Amendment "A" (H-487)** in **NON-CONCURRENCE** and sent for concurrence.

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

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

**HOUSE DIVIDED REPORT - Majority (9) Ought to Pass as Amended by Committee Amendment "A" (H-418) - Minority (4) Ought to Pass as Amended by Committee Amendment "B" (H-419) - Committee on JUDICIARY on Bill "An Act To Amend the Maine Condominium Act Regarding Liens"**

(H.P. 663) (L.D. 961)

**TABLED - May 29, 2009 (Till Later Today)** by Representative **PRIEST** of Brunswick.

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

Representative **DILL** of Cape Elizabeth **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended Report**.

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

The **SPEAKER**: The Chair recognizes the Representative from Scarborough, Representative **Flaherty**.

Representative **FLAHERTY**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. This is an especially important issue for many Mainers, especially those in my district, especially those in my generation. First time homebuyers, in increasing frequency, are beginning to purchase condos instead of homes, as often condos are more affordable. I know I find myself in that category. What we must insure is that when a unit is foreclosed on, the neighbors have some assistance in paying for the cost of that unit sitting barren in that neighborhood. Unfortunately, foreclosures are on the rise in Maine and in the nation, and when a foreclosure hits a neighborhood of condominiums, it is not only the family that must move, that is the one that suffers. This is an injustice that must be corrected, but unfortunately the Majority Report and the pending motion will not correct this injustice. So I will be voting red on this issue and encourage you to do so as well. Thank you, Madam Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Brunswick, Representative **Priest**.

Representative **PRIEST**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. Let me explain briefly what this bill does and what the Majority Report is. The problem obviously is real. There are condominiums whose units are being foreclosed upon; they go a long time before the foreclosure takes place, meanwhile a lot of the people who own the unit stop paying their fees. Obviously that creates difficulties for the other condominium owners. The solution for the Majority was to allow condominium associations to establish escrow accounts. Now we've heard today that in fact they thought they

could do that now, but in fact when people testified, they said they didn't have the power to do that. So we have given them specifically the power to have escrow accounts so they can bring assessments when a condo is sold and, therefore, if that condo later goes into foreclosure, their money would be there to take care of the ongoing fees.

The reason we rejected the idea of the Minority Report, which is to slap a lien on and give it first priority over any other kind of lien other than taxes or sewer liens, is that that would drive up the cost of loans to buy condominium units, and we felt that was a real problem. Now you will hear some testimony that in fact that it hasn't happened in other states, but in fact Maine is somewhat unique. We only have about 30 local banks in Maine that serve condominiums and they're going to be especially sensitive to increased costs, which are going to result from slapping a lien, which gets paid off first before the bank gets the first penny, its mortgage, if there's a foreclosure. So we think that the escrow account is a reasonable method of solving this problem, we think it takes care of the difficulty for the future. Now unfortunately neither the Majority of the Minority Report is going to take care of the existing problems. We cannot impair contracts, so whatever we do here is only going to be for the future. Those people now who have difficulties, unfortunately, are going to be stuck with those difficulties. We have provided them with a solution for the future and we think that that's a reasonable method of handling it. So I urge you to support the 9-5, Ought to Pass as Amended by Committee Amendment "A" Majority Report. Thank you.

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

Representative **DILL**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. Thank you also to my good chair, Representative **Priest**, for working so hard on this bill and for members of the committee who attempted to achieve a solution for a problem that, I don't know about you, but I heard an awful lot about from a lot of people. I'm not in support of the Majority Report because, in my view, it's a solution that already exists. The Majority Report would essentially do something for condominium associations that they can already do, which is set up at escrow account. There is nothing in the law that prohibits them from doing that now so, in my opinion, the proposed solution is sort of a feel good bill that isn't really necessary and doesn't get at the real issue. The real issue that condominium associations face is that, by Maine law, previous Legislatures have thought, I guess, it wise to mandate that condo associations provide insurance for the common areas of the association and maintain the property and the upkeep. So what happens when these units go into foreclosure is typically the unit owner, who's in foreclosure, stops paying the fee but the condo association remains, nevertheless, responsible for insuring and maintaining the property throughout the foreclosure. Unfortunately, foreclosures take or can take a long time, up to even two years if they're contested. In my view, what's fair is that since the banks benefit from the condo association maintaining insurance and maintaining the upkeep of the property, that when the foreclosure happens and the sale is completed, that a small portion of the equity, six months of a condominium association fees go back to the association because the bank has benefited from the association, maintaining the property and insuring it.

Just by way of background, 16 other states have passed this legislation and loans for condominiums have not stopped being processed. Banks from other states where this law is in effect gave testimony through letters that this has been a perfectly fine way to attack this problem. Fannie Mae and Sallie Mae allow for this type of super lien, so in other words, banks who gave loans in Maine, should we pass this legislation, would still be able to

sell their loans on the secondary market. I think that we need to really get at the issue and that's one of fairness. You don't have to be a banker to figure out that if you make a loan and the loan defaults and you have to foreclose on it, the price that you get at the foreclosure auction is going to go towards paying off the debt, but if it's getting more money at the auction, if you're getting more for it because it's been insured and maintained, then it's only fair that you don't get all the money, that some of the money goes back to the association. My Minority Report, should this motion fail, gets at the real problem and provides a solution that's practical, that's being done in other states without significant adverse consequences, that's supported by bankers in other communities.

Finally, I would just note that the only people who are opposed to the bill as drafted were bankers of course and realtors in Maine, but not a single Maine bank has foreclosed on a condominium in Maine. So this is all about out of state banks that have made bad loans. So the argument that these loans may be more expensive, in my view, maybe they should have been more expensive. Maybe the banks who are in the best position to assess the risks should be charging a little bit more for these people are taking out these loans, so that's not necessarily a bad thing. So I urge you to defeat the pending motion and I thank you for your time.

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

Representative **STEVENS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. This, to me, is a perfect example of everyone having good intentions and trying to fix a problem that is really clear. I'll be voting against the Majority Report for three reasons: One, banks give mortgages. The higher the risk of the person requesting the mortgage, the higher the interest rate they will have to pay. The banks do this because they are aware of the risks that they are taking on. Number two, condo dues are really like local taxes to me. They are for the common good of the neighborhood for which you live in: the exterior of your house, the grounds, the roads, the maintenance. Number three, banks are for profit. Condominium associations are not for profit. Someone has to pay. I say the banks. It is the banks that grant these mortgages, not the condominium association. They don't have the right to deny people entry into their condominium association. Once the bank has made that decision, I believe they should take the burden. I'll be voting red. Thank you.

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

Representative **CROCKETT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I'm not really prepared to speak on this but that's never stopped anybody here, so with that being said, I'll be voting with the Majority Report and I'll tell you why. When the original bill came up it was worded so that it would interfere with current contracts. We can't do that. A person and a bank get the benefit of their bargain. We cannot as a state, nor should we ever, step into the middle of transaction and undo it or change the terms of the game once the game has started. So we couldn't do that so, under the leadership of our fearless leader, the good Representative from Brunswick, Representative Priest, we came up with a solution. The testimony at that time revealed that I guess condominium associations were not allowed to escrow to the same extent that we enable them to through this legislation, so that seemed like a reasonable solution. Now we talk about Maine banks. It's true; they haven't foreclosed on anybody in a condo yet and why? Because our lending practices in Maine are good, because we allow them to have first priority, they lend money and they did

testify that this will affect lending. So in other words, let's say you have a foreclosure unit in your four unit complex and it's getting foreclosed on and the other three members are picking up the costs. Well what do they do? If this piece of legislation were to go through and it hindered lending, it means you'd never be able to sell the foreclosed upon unit anyway, so there would never be a market to sell it, so the other members would never make out to begin with. It really doesn't make a whole lot of sense the way it's worded. We can't hinder lending. Rhode Island tried a bill just like this and then repealed it. Now there are other states it did work. The good Representative from Cape Elizabeth is correct. It did work in other states, but in Maine we haven't developed a problem yet because of our lending practices. So with that being said, the escrow account allows condominium associations to build a nice nest egg, to basically hedge against hard times. With that being said, in conclusion, I will support the Majority Ought to Pass Report.

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

Representative **PILON**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. My good colleague from Cape Elizabeth fails to realize that in a typical foreclosure sale these condos are selling below market value or they are selling as a short sale. A short sale is when a condo is sold below the mortgage, so typically we'll sell a condo, we'll contact the mortgagee or the mortgagor and we'll say we have a buyer for your condo, can we make a deal and sell you off the condo, and let's say it's a \$100,000 mortgage, we'll make a deal with the bank that's holding the paper and we'll probably sell it for less than the mortgage. So there is no equity in these deals, so there is no money left on the table after this transaction to pay any back liens or any taxes. I would support the good Representative from Brunswick's motion. Thank you.

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

Representative **DILL**: Thank you, Madam Speaker, and I apologize for speaking twice, but I did want to clarify, thank you to the good Representative from Saco, Representative Pilon. If I said equity, I was mistaken. When a condominium is sold at the foreclosure auction there is money, there is a transaction of some sort. Some money is received by the foreclosing entity and having been a lawyer for four years at a firm before I went off on my own and did foreclosures, I know for a fact that the amount of money that's due is a lot, because it's the mortgage balance, plus interest, plus fees, plus attorney's fees, plus recording costs. There are just a whole slew of costs that get heaped on to what's the overall debt. So yes, it's true: often there is no equity, so thank you for that clarification. All the more reason why the condo association, who's been paying for six months or more for insurance and upkeep and mowing the lawns and painting the exterior of the building and essentially contributing to whatever money was received at the sale, should not be left with nothing. So I think that that is all the more reason to allow a condo association to have just a reasonable super lien that pays them back for the money that they put in, that enabled the bank in the first place to get whatever amount of money that they do get, even if it is not equity. So thank you for that clarification and thank you for your attention.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative **PRIEST**: Thank you, Madam Speaker. Just a couple of points. Recall if you are waiting for a super lien to mature, you may be waiting one to two years before you get your money. If there is an escrow account, you can start paying right off the bat when people don't pay their condo fees so you have

access to the money, the association has access to the money a lot quicker than they ever would have if they have to wait for a final foreclosure. I would also mention that the bank benefits, of course, but also the condominium association benefits, and benefits a lot, by being able to have a source of money to pay ongoing fees and ongoing insurance and that's very important. The escrow situation is well known to us all, we all know that we have to escrow taxes. Why shouldn't a condominium association make sure that there's an escrow for condominium fees and for insurance? Thank you very much, Ladies and Gentlemen.

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. 153

YEA - Austin, Beaudette, Beaudoin, Beaulieu, Beck, Berry, Bickford, Blodgett, Boland, Bolduc, Briggs, Browne W, Burns, Butterfield, Cain, Campbell, Casavant, Cebra, Celli, Chase, Clark H, Clark T, Cleary, Cohen, Cotta, Crafts, Cray, Crockett J, Crockett P, Curtis, Davis, Driscoll, Duchesne, Eaton, Eberle, Edgcomb, Finch, Fitts, Flemings, Fletcher, Flood, Fossel, Gilbert, Giles, Goode, Hamper, Hanley, Harlow, Haskell, Hill, Hinck, Hunt, Innes Walsh, Johnson, Kent, Knapp, Knight, Kruger, Lajoie, Langley, Lewin, Magnan, Martin JR, Martin JL, Mazurek, McFadden, McKane, Miller, Millett, Nass, Nelson, Nutting, O'Brien, Pendleton, Peoples, Percy, Peterson, Pieh, Pilon, Piotti, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Rosen, Rotundo, Sarty, Saviello, Schatz, Shaw, Smith, Strang Burgess, Sutherland, Sykes, Tardy, Thibodeau, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Weaver, Webster, Wheeler, Willette, Wright, Madam Speaker.

NAY - Adams, Bryant, Carey, Connor, Dill, Dostie, Flaherty, Gifford, Harvell, Hayes, Hogan, Jones, Joy, Kaenrath, Legg, Lovejoy, MacDonald, McCabe, Morrison, Pinkham, Pratt, Russell, Sanborn, Sirois, Stevens, Stuckey, Theriault, Thomas, Tilton, Welsh.

ABSENT - Ayotte, Blanchard, Cornell du Houx, Cushing, Eves, Greeley, McLeod, Perry, Robinson.

Yes, 112; No, 30; Absent, 9; Excused, 0.

112 having voted in the affirmative and 30 voted in the negative, with 9 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-418)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-418)** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-423)** - Minority (5) **Ought Not to Pass** - Committee on **TAXATION** on Bill "An Act To Establish a Wellness Tax Credit"

(H.P. 428) (L.D. 590)

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

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

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

Representative **GILES**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise against this motion not to pass the bill, and I'm going to talk about it for just a second, so I hope I can keep everybody entertained and listening because this is something that's important to me and we've had a number of things. In fact, this morning we had so much discussion on health care cost in this state and just so many things that, to me, this is a very timely topic; it's a very simple bill to be put together and let me just go through it. There was a yellow flier that just hit your desk on it. But real briefly, the wellness bill, as I call this, establishes a tax credit of \$100 per employee for small business owners who have 20 or fewer employees, that they use the cost to institute a wellness program in their workplace. Tax credit is capped at \$2,000 a year and they can only use it for five years. The qualified expenditures would include educational programs for nutrition, stress management, smoking cessation, a company could start a gym on site, they could do things to encourage their members to join health clubs or whatever it is that helps them to lead a healthier lifestyle in their own lives. The real beneficiary of this bill is not the employers that gets the tax credit, it's the employees and it's the family members, because the employees will learn more about healthier living habits and, as they adopt them at work, they'll continue them at home. Overall, I think this bill can play a real far-reaching role in helping to reduce our health insurance costs statewide. Similar legislation has been introduced in several other states and even nationally there is a bill in Congress that's making its way through committee. So I think I'd like to see Maine go by our motto Dirigo and lead the nation on this and be one of the earlier states.

A physician in my district recently told me that about 60 to 70 percent of the patients that she had treated had ailments caused by substance abuse, poor nutrition and smoking, and these are all health matters that we can control. Additionally, obesity and inactivity can lead to serious health problems as we age. According to the Institute of Medicine, over 9 million children over age 6 are obese and overweight adolescents have a 70 percent or greater chance of being obese as an adult. So truly, learning about healthy living habits as a young person and learning it from their parents in the workplace would just be terrific.

I'm going to share with you a couple of statistics: In June 2007, Maine was ranked 5th in the nation regarding our overall range of health care measures by the Commonwealth Foundation, a well recognized foundation that aims to promote high performing health care systems. In that same report though, Maine was ranked much lower, at 21st on cost and 20th on healthy lives. This is clearly opportunity for us to do more in our state to encourage people to lead a healthier life. As far as this being targeted to small businesses, I just want to share with you a statistic I mentioned the other day on the floor: Over 140,000 small businesses exist in Maine and they represent 65 percent of all of the Maine workers, so clearly this legislation could impact a lot of small businesses and a lot of people statewide.

The funding for this tax credit, and I know funding for everything is very difficult, but I proposed it to be funded, the tax credit, which has about a \$300,000 a year fiscal note, through revenues from the Fund for Healthy Maine. Now I've had a lot of support and a lot of interest in this bill on both sides of the aisle. I know there are some questions regarding the Fund for Healthy Maine and I would say that the goal of this bill is very similar to the mission for the Fund of Healthy Maine, which uses tobacco settlement money, as we know, to promote healthier living among Maine citizens. The Fund for Healthy Maine supports initiatives including public education, media, tobacco treatment, contracts, prevention programs and grants through schools, community

organizations and public media. To me, to offer this type of tax credit to put right in the hands and empower employers to offer these programs, basically in the workplaces, is very comparable and very similar to what the Fund for Healthy Maine does. So I think the mission and method here is on the same page.

The final thing that I do want to add with this too is, again, I am a very strong believer in wellness, I know we all are on both sides of the aisle, and it's trying to find the right tools, the right legislation and the right way to approach this. Again, I think this is a very simple approach to doing it; I think it's something that would run well with small business owners; it's had some interest in a lot of other states; and, as my closing comments go, I think a healthier Maine will lead to a lot of healthier people in this state. Madam Chair, I do ask for people to defeat the pending motion and I'd like to turn it around and get this passed, and I ask for the yeas and the nays. Thank you.

Representative GILES of Belfast **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 Augusta, Representative Crockett.

Representative **CROCKETT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. When this bill came to our committee, we thought it was a good idea and it truly is and I want to thank the sponsor for bringing it forward. The part that we didn't like was the fact that it's money being taken from the Fund for Healthy Maine. If you want to amend the bill to take it from the General Fund and have it fight for its money, that's fine, but I can't, in all good conscience, take any more money from the Fund for Healthy Maine. We had to cut some programs that have been well established, well proven programs that have been funded from that fund this past budget. When that Fund for Healthy Maine was first established, there was much debate and long hours put in by the legislators at that time to establish the programs that would be in and funded from that fund, and I just can't possibly vote for that and I ask you not to support it and to vote the Ought Not to Pass. Thank you.

The SPEAKER: The Chair recognizes the Representative from Somerville, Representative Miller.

Representative **MILLER**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I rise to support the Ought Not to Pass for a few reasons. First, often times it's a good idea to put new ideas into the fund when there is extra money; however, the fund projection for FY'10 and 11 will be down \$11 million. It's a tough time to put a new idea into place. Secondly, it throws a wrench into the planning for programs in that fund because this is essentially an entitlement, it looks like. It says no matter how many companies line up, we're going to fund that tax credit, even for companies that sponsor an athletic team and pay for their equipment. Holy Toledo. How many companies do that? That's a little farfetched from an organized employer health program. Lastly, we established a joint rule that the Health and Human Services Committee should be advising about what goes in and out of the plan. I'm not sure we're heard from them on this yet; maybe someone can tell me from Health and Human Services. But I rise to say I support Ought Not to Pass and I urge you to do the same. Thank you, Madam Speaker.

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

Representative **KNIGHT**: Thank you, Madam Speaker. I rise and ask that you defeat the pending motion. This bill is all about wellness. I guess I would confess one of my frustrations while serving the last three years in this good House is that bills get

reported out Ought to Pass, Ought Not to Pass. The Majority Report, in this instance, was Ought to Pass as Amended. It always discourages me, I guess, when I find the Minority Report advance. This is all about wellness. This is an opportunity, it is not an entitlement. It is a chance to encourage people to live healthy lifestyles. I would ask the Clerk to read the Report, if she might. Thank you, Madam Speaker.

Representative **KNIGHT** of Livermore Falls **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

Representative **JONES**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I stand as a member of the Health and Human Services Committee, who struggled very hard with the cuts that were made to the Fund for Healthy Maine this session. As you know, the Fund for Healthy Maine has been funded from the tobacco settlement funds. It has been ongoing for eight years. It is funding important programs such as tobacco prevention and control, the tobacco prevention partnership, obesity reductions, substance abuse prevention, early childcare, family planning, and prevention and treatment programs for dental care. The funds, as was mentioned by Representative Miller, have been hit by almost \$11 million of their total funding and it has drastically impacted the effectiveness of those programs.

I strongly understand how the sponsor of the bill was concerned about helping out our small workplaces with providing some funding for them. I have worked for years in the tobacco prevention and chronic disease prevention program at what was the Maine Bureau of Health. What you need to know is that there are a number of programs across our state that are community based and are addressing working with small employers to help them access existing exercise programs in their communities, so this is already being addressed in that way. It is well thought out, it is based on strong public health research, and I strongly recommend that you not take more funds from the Fund for Health Maine, that's already been hit, to fund a new program. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Webster.

Representative **WEBSTER**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I rise in support of this Ought Not to Pass. I want to commend the Representative, this is a great idea. I am fully in support of the idea of wellness and of incentives that will help small businesses. My problem is with the source of revenue. I have in front of me a spreadsheet showing the number of cuts to a number of programs, some of which totaled 11, almost 12 percent cuts, in programs that are funded under the Fund for Healthy Maine. There is no reason why we can't consider some other vehicle and I would like to support doing that; however, I want to remind members that the Appropriations Committee has struggled long and hard over the last several years regarding the Fund for Healthy Maine and the question of why some programs are in and some programs are out. Because of that, we appealed to the Health and Human Services Committee and asked them to take a more comprehensive look at how the Fund for Healthy Maine operates, who's in, who's out, how it's directed, and the Health and Human Services was asked to comment on this great idea. We established, as a Legislature, that vehicle to give direction to the Fund for Healthy Maine and the Health and Human Services Committee came back and said great idea, wrong source of revenue.

There has been some discussion that this is something that

fits into the Fund for Healthy Maine. I'd like to just read, very briefly, the eight categories that were established when our predecessors established the Fund for Healthy Maine: smoking prevention, cessation and control activities, prenatal and young children's care, child care for children up to 15 years of age; health care for children and adults that maximize federal dollars, prescription drugs for adults who are elderly or disabled, dental and oral health care for low income persons, substance abuse prevention and treatment, and comprehensive school health programs. Men and Women of the House, unfortunately, this program, this concept, it's a great idea and it doesn't have the right source of revenue. Thank you.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Bryant.

Representative **BRYANT**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I agree with everything that's been said on this motion Ought Not to Pass. I was on the committee. I think the other part that Representative Webster from Freeport is speaking on, I think, is more also the evidence based, the evaluating based programs, to have it more than just a tax credit, it doesn't really give anything, major guidelines to make it credible. So not only can Healthy Maine not sustain this new program and also, as it's been spoken before, that small businesses now can deal with the community, there are programs out there. But I think to be effective you need to have an evidence base and evaluate it for effectiveness and I don't think that this by itself does that, so I will be voting green. Thank you.

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

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

The SPEAKER: The Representative may pose her question.

Representative **RUSSELL**: How will this impact the Healthy Maine partnership budgets around the state?

The SPEAKER: The Representative from Portland, Representative Russell has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Somerville, Representative Miller.

Representative **MILLER**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I'll take a stab at that. The Fund for Healthy Maine does fund the Healthy Maine partnerships throughout the state, of which there are 31, and we don't know what the fiscal note on this is, but it could grow over the years which means that the money has to come from somewhere and unless the Fund for Healthy Maine keeps growing from the tobacco settlement, which it's not likely to do, it will start taking money from those partnerships. Thank you.

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

Representative **GILES**: Thank you, Madam Speaker. Thank you for recognizing me again. I did want to answer the good Representative's question. There is a fiscal note on it; it is around \$300,000 a year. It was passed out with the amendment. Also, I appreciate the comments, I appreciate the feedback. You know, with a little money, we get a lot of great ideas through here. But to me, I want to put this in perspective of at least what I was trying to do. I've a health insurance program that the state has sponsored for the last few years and it's costing the state millions and it has taken millions from the Fund for Healthy Maine, so if we want to have a debate about what comes in or out of the Fund for Healthy Maine, which unfortunately this bill is falling into, I think we need to look at not just this but to look at other programs and maybe that's something a committee needs to do afterwards, because truly there was funding that was taken

out of it last session that went to support an insurance program which is already costing the state a large amount of money.

As far as not achieving possibly the mission of the Fund for Healthy Maine, I also went back and looked at the eight points and I could see no better way than to further the Fund for Healthy Maine initiatives than to bring something like this forward. Because for all of the funding that the Fund for Healthy Maine has, and I've spoken with some of the people involved with the programs, they've put together with small business, they can't get into every workplace. As I stated earlier, there is over 140,000 small businesses in this state. They can't get to every workplace and I am truly a believer in empowering people and I'd like to empower some of these small business owners who are struggling, they are struggling to keep down health care costs, to provide cost effective insurance to their employees, and, again, if you look at the statistics, the way to do it is to start living healthy. So to me, I put it in perspective and think \$300,000 a year is really a fairly small sum and let's hope that if we can get it through here, get it through the other body and to the Appropriations folks, if there is a way to find some funding for this tax credit, which will probably pay for itself many times over, even though I know our fiscal process doesn't look that way. So I appreciate the opportunity to address you again, and, again, I'm looking to defeat the pending motion. 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. 154

YEA - Adams, Beaudette, Beaudoin, Beck, Berry, Blodgett, Bolduc, Briggs, Bryant, Butterfield, Cain, Carey, Casavant, Clark H, Cleary, Connor, Crockett P, Dill, Driscoll, Duchesne, Eaton, Eberle, Flemings, Gilbert, Goode, Hanley, Harlow, Haskell, Hayes, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Kruger, Lajoie, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, Miller, Morrison, Nelson, O'Brien, Pendleton, Peoples, Percy, Pieh, Piotti, Pratt, Priest, Rankin, Rotundo, Russell, Sanborn, Schatz, Smith, Stevens, Stuckey, Sutherland, Theriault, Treat, Trinward, Tuttle, Wagner J, Wagner R, Watson, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Austin, Beaulieu, Bickford, Boland, Browne W, Burns, Campbell, Cebra, Celli, Chase, Clark T, Cohen, Crafts, Cray, Curtis, Davis, Dostie, Edgecomb, Finch, Fitts, Flaherty, Fletcher, Flood, Fossil, Gifford, Giles, Hamper, Harvell, Hill, Johnson, Joy, Knapp, Knight, Langley, Legg, Lewin, McFadden, McKane, Millett, Nass, Nutting, Peterson, Pilon, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Rosen, Sarty, Saviello, Shaw, Sirois, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tilton, Valentino, Van Wie, Weaver.

ABSENT - Ayotte, Blanchard, Cornell du Houx, Cotta, Crockett J, Cushing, Eves, Greeley, McLeod, Perry, Robinson.

Yes, 78; No, 62; Absent, 11; Excused, 0.

78 having voted in the affirmative and 62 voted in the negative, with 11 being absent, and accordingly the Minority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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An Act Regarding Indirect Lobbying

(H.P. 246) (L.D. 310)  
(C. "A" H-208)

TABLED - May 29, 2009 (Till Later Today) by Representative TRINWARD of Waterville.

PENDING - **PASSAGE TO BE ENACTED.**

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Trinward.

Representative **TRINWARD**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. Before this bill is finally enacted, I want to put on the record what this bill does and what it does not do.

This bill was a reaction to certain media campaigns in recent years, which organizations and lobbyists took out statewide television ads to try to pressure legislators to vote a particular way on legislation. Although sometimes these same lobbyists had to report the time they spent in the State House testifying and talking to legislators, they were not required to report the massive amounts of money they spent behind the scenes on media campaigns aimed at achieving the same results. Indirect lobbying is just a forceful means of exerting pressure on us, just as lobbyists buttonhole you in the hallway. Indirect lobbying occurs when there is a lot of money being spent on a mass media campaign in order to persuade legislators to take some action on a bill. Indirect lobbying deserves to be reported and its sponsors known to the public just as much as direct lobbying in the hallways of this building. As a logical extension of our existing lobbyist's disclosure law, we felt it was public interest for people to know how much is being spent on these campaigns and who is sponsoring the funding.

The original bill was much broader than the one that we brought before you. The LVA Committee worked very hard and took the bill and made it more manageable. The committee tailored it to the kind of activities we felt could be reported in a reasonable way without imposing a major burden on those required to disclose. We want, most of all, to provide the public with more information about activities on matters of significant public importance without pretending that we can capture all of the expenditures of just this sort, just the most blatant ones. The bill requires disclosure when there's \$15,000 or more spent in one month on indirect lobbying, and it only requires this when the lobbyist is someone who is already registered now and that they are being paid to spend eight hours or more a month lobbying. We picked the \$15,000 as a threshold for additional reporting, because we determined that that is the actual cost of a full page ad in a statewide newspaper campaign and that is the cost, at least that much, to buy any significant ads in statewide television advertising.

We also know that some of the people will escape reporting these expenditures if they're not registered, but this bill was not intended to rein in all kinds of speech, it was simply intended to build on the existing laws related to lobbying. We also realized we could not, as a practical matter, require disclosure of expenditures of other forms, such as email, mobile calls and internet advertising. Expenditures on this form of communication would simply be too difficult to quantify and very difficult to document and regulate in a meaningful way. This bill does not regulate the media itself or regulate speech based on content. There is no censorship at all. The bill is a disclosure bill, pure and simple. It simply adds one more level of disclosure to the existing lobby registration laws. Thank you very much for your attention.

The SPEAKER: The Chair recognizes the Representative from Pittsfield, Representative Fitts.

Representative **FITTS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I want to speak out against this bill and I want to let you know what exactly the bill defines as indirect lobbying, for those who might be confused by my good chair's explanation. Indirect lobbying means to communicate with members of the general public to solicit them to communicate directly with any covered official for the purpose

of influencing legislative action. This doesn't apply to citizens initiatives, so there is a loophole. If you're clever about how you word your solicitation to the general public by saying LD XY is a terrible bill, but you don't say call your local legislator because you need him to vote against it, then you wouldn't fall under this bill. So it's a pretty empty effort for anybody who's clever and it has constitutional issues as far as controlling somebody's access to free speech. So for that reason, I would ask that we defeat this bill and move on to maybe what's left of our fine day. Thank you.

Representative **FITTS** of Pittsfield **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. 155**

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

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

**ABSENT** - Ayotte, Beaudoin, Blanchard, Cornell du Houx, Cotta, Crockett J, Cushing, Eves, Greeley, McLeod, Perry, Robinson, Rosen.

Yes, 90; No, 48; Absent, 13; Excused, 0.

90 having voted in the affirmative and 48 voted in the negative, with 13 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

Bill "An Act To Clarify the Municipal Jurisdiction of a Portion of Saco Bay"

(H.P. 774) (L.D. 1119)

Which was **TABLED** by Representative **BEAUDETTE** of Biddeford pending **FURTHER CONSIDERATION**.

Subsequently, on motion of Representative **BEAUDETTE** of Biddeford, the House voted to **RECEDE AND CONCUR**.

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

**REPORTS OF COMMITTEE**  
**Divided Reports**

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-219)** on Bill "An Act To Protect Consumers and Small Business Owners from Rising Health Care Costs"

(S.P. 529) (L.D. 1444)

Signed:

Senators:

BOWMAN of York  
ALFOND of Cumberland

Representatives:

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

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

Signed:

Senator:

McCORMICK of Kennebec

Representatives:

FOSSEL of Alna  
WEAVER of York  
RICHARDSON of Warren

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-219)**.

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-219)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-219)** in concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-255)** on Bill "An Act To Suspend the Cost-of-living Adjustment for Legislators' Salaries for the Second Regular Session of the 124th Legislature"

(S.P. 167) (L.D. 464)

Signed:

Senator:

COURTNEY of York

Representatives:

BOLAND of Sanford  
BROWNE of Vassalboro  
WILLETTE of Presque Isle  
HAYES of Buckfield  
COTTA of China  
HARVELL of Farmington

SCHATZ of Blue Hill

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

Signed:

Senators:

SIMPSON of Androscoggin  
JACKSON of Aroostook

Representatives:

BEAUDETTE of Biddeford  
CLARK of Easton  
KAENRATH of South Portland

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.

**READ.**

On motion of Representative BEAUDETTE of Biddeford, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** in concurrence.

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## CONSENT CALENDAR

### First Day

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

(S.P. 125) (L.D. 361) Bill "An Act To Require a Birth Certificate for a Stillborn Child" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-275)**

(S.P. 424) (L.D. 1133) Bill "An Act To Implement the Recommendations of the Commission To Study the Protection of Farms and Farmland" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-274)**

(S.P. 439) (L.D. 1191) Bill "An Act To Improve Teacher Confidentiality Laws" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-267)**

(S.P. 458) (L.D. 1277) Bill "An Act To Encourage Alternative Compensation Models for Teachers and School Administrators" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-268)**

(S.P. 531) (L.D. 1446) Bill "An Act To Create the Maine Online Learning Program" (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-273)**

(H.P. 468) (L.D. 654) Resolve, To Review Statutes, Rules and Policies Regarding Mental Retardation, Pervasive Developmental Disorders and Other Cognitive and Developmental Disorders Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 980) (L.D. 1401) Bill "An Act To Make Minor Substantive Changes to the Tax Laws" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-482)**

(H.P. 991) (L.D. 1415) Resolve, To Promote Partnerships between the University of Maine System and the Maine Business Community Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-483)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED as Amended** in concurrence and the House Papers were **PASSED TO BE ENGROSSED or PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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**REPORTS OF COMMITTEE**  
**Divided Report**

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-468)** on Bill "An Act To Amend the Review and Approval Process of the Comprehensive Land Use Plan" (EMERGENCY)  
(H.P. 722) (L.D. 1047)

Signed:  
Senator:  
BRYANT of Oxford

Representatives:  
PIEH of Bremen  
SMITH of Monmouth  
PERCY of Phippsburg  
McCABE of Skowhegan  
PRATT of Eddington  
KENT of Woolwich  
O'BRIEN of Lincolnville  
GIFFORD of Lincoln  
CRAY of Palmyra

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-469)** on same Bill.

Signed:  
Senators:  
NUTTING of Androscoggin  
SHERMAN of Aroostook

Representative:  
EDGECOMB of Caribou

**READ.**

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

The SPEAKER: The Chair recognizes the Representative from Eddington, Representative Pratt.

Representative PRATT: Thank you, Madam Speaker. I just got a good look there from my House chair. I apologize, but I do rise in opposition to the Majority Ought to Pass as Amended Report, not because I don't think I have any disrespect for the good House chair.

The SPEAKER: Will the Representative defer.

Representative PRATT: Yes, have I messed up? I apologize.

The SPEAKER: Is the Representative debating an "An Act To Amend the Review and Approval Process of the Comprehensive Land Use Plan"?

Representative PRATT: No, I apologize.

Subsequently, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-468)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-468)** and sent for concurrence.

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Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass** on Resolve, Regarding Legislative Review of Portions of Chapter 131: The Maine Federal, State, and Local Accountability Standards, a Major Substantive Rule of the Department of Education (EMERGENCY)

(H.P. 817) (L.D. 1178)

Signed:  
Senators:  
ALFOND of Cumberland  
SCHNEIDER of Penobscot  
WESTON of Waldo

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-480)** on same Resolve.

Signed:  
Representative:  
CASAVANT of Biddeford

**READ.**

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

The Resolve was **READ ONCE**.

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

Under further suspension of the rules, the Resolve was **PASSED TO BE ENGROSSED** and sent for concurrence.

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Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-470)** on Bill "An Act To Require Interscholastic Athletic Organizations To Comply with Freedom of Access Laws"

(H.P. 909) (L.D. 1306)

Signed:  
Senators:  
BLISS of Cumberland  
HOBBINS of York

Representatives:  
PRIEST of Brunswick  
BRYANT of Windham  
DILL of Cape Elizabeth  
CLEARY of Houlton  
HILL of York  
KRUGER of Thomaston  
STEVENS of Bangor



NASS of Acton  
CROCKETT of Bethel

(H.P. 110) (L.D. 126)

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

Signed:  
Senator:  
HASTINGS of Oxford

Representative:  
BEAULIEU of Auburn

Representative MITCHELL of the Penobscot Nation - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-470)** Report.

**READ.**

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

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

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

(H.P. 1000) (L.D. 1424)

Signed:  
Senators:  
SIMPSON of Androscoggin  
JACKSON of Aroostook  
COURTNEY of York

Representatives:  
HAYES of Buckfield  
BEAUDETTE of Biddeford  
HARVELL of Farmington  
CLARK of Easton

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-471)** on same RESOLUTION.

Signed:  
Representatives:  
BOLAND of Sanford  
BROWNE of Vassalboro  
WILLETTE of Presque Isle  
COTTA of China  
KAENRATH of South Portland  
SCHATZ of Blue Hill

**READ.**

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

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

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-477)** on Bill "An Act To Amend Certain Laws Affecting Transportation"

Signed:  
Senators:  
DAMON of Hancock  
PERRY of Penobscot  
GOOLEY of Franklin

Representatives:  
MAZUREK of Rockland  
HOGAN of Old Orchard Beach  
PEOPLES of Westbrook  
HARLOW of Portland  
CAREY of Lewiston  
BROWNE of Vassalboro  
THOMAS of Ripley  
CEBRA of Naples

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

Signed:  
Representative:  
THERIAULT of Madawaska

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-477)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-477)** and sent for concurrence.

**ORDERS**

On motion of Representative WATSON of Bath, the following Joint Order: (H.P. 1039)

ORDERED, the Senate concurring, that Bill, "Resolve, Directing the State Tax Assessor To Adjust the State Valuation for the Town of Topsham," S.P. 509, L.D. 1390, and all its accompanying papers, be recalled from the Governor's desk to the House.

**READ and PASSED.**  
Sent for concurrence.

**ENACTORS**

**Emergency Measure**

An Act To Facilitate Testing and Demonstration of Renewable Ocean Energy Technology

(S.P. 545) (L.D. 1465)  
(C. "A" S-249)

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. 135 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year

2009-10 and To Make Other Changes Related to the Municipal Cost Components

(H.P. 855) (L.D. 1235)  
(H. "A" H-453 to C. "A" H-422)

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. 132 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**SENATE PAPERS**  
**Non-Concurrent Matter**

Bill "An Act To Suspend Driver's Licenses of Persons Operating All-terrain Vehicles, Watercraft and Snowmobiles while Intoxicated"

(H.P. 495) (L.D. 712)

Majority (8) **OUGHT TO PASS AS AMENDED** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-363)** in the House on May 29, 2009.

Came from the Senate with the Minority (5) **OUGHT NOT TO PASS** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY READ** and **ACCEPTED** in **NON-CONCURRENCE**.

On motion of Representative HASKELL of Portland, the House voted to **ADHERE**.

**Non-Concurrent Matter**

Bill "An Act To Base the Value of Eminent Domain Takings on Going Concern Value"

(H.P. 832) (L.D. 1207)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **JUDICIARY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-361)** in the House on May 29, 2009.

Came from the Senate with the Minority (6) **OUGHT NOT TO PASS** Report of the Committee on **JUDICIARY READ** and **ACCEPTED** in **NON-CONCURRENCE**.

On motion of Representative PRIEST of Brunswick, the House voted to **RECEDE AND CONCUR**.

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

Report of the Committee on **JUDICIARY** on Bill "An Act To Consolidate and Modernize Maine's Courts"

(S.P. 330) (L.D. 882)

Reporting **Ought to Pass as Amended by Committee Amendment "A" (S-154)**.

Came from the Senate with the Report **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.

**READ.**

Representative PRIEST of Brunswick moved that the Bill and accompanying papers be **INDEFINITELY POSTPONED**.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative PRIEST: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. This bill was included in the budget; therefore, there is no need for it at this time. Thank you.

Subsequently, the Bill and accompanying papers were **INDEFINITELY POSTPONED** in concurrence.

**CONSENT CALENDAR**  
**First Day**

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

(H.P. 713) (L.D. 1038) Bill "An Act Regarding the Prevention and Reporting of Methicillin-resistant Staphylococcus Aureus" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-498)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

**ENACTORS**  
**Acts**

An Act To Protect the Privacy of Maine Residents under the Driver's License Laws

(S.P. 492) (L.D. 1357)  
(S. "A" S-247 to C. "A" S-215)

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. 156**

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

NAY - Austin, Beaudette, Beaulieu, Beck, Bickford, Browne W, Burns, Campbell, Celli, Chase, Clark T, Cotta, Crafts, Cray, Curtis, Davis, Edgecomb, Fitts, Fletcher, Flood, Fossil, Gifford, Giles, Hamper, Hanley, Harvell, Hill, Joy, Kaenrath, Knapp, Knight, Langley, Lewin, McFadden, McKane, Millett, Nass, Nutting, Pilon, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Sarty, Saviello, Shaw, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tilton, Tuttle, Weaver, Willette.

ABSENT - Ayotte, Beaudoin, Blanchard, Cebra, Cornell du Houx, Crockett J, Cushing, Eves, Greeley, Johnson, McLeod, Perry, Robinson, Rosen.

Yes, 81; No, 56; Absent, 14; Excused, 0.

81 having voted in the affirmative and 56 voted in the negative, with 14 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**REPORTS OF COMMITTEE**  
**Divided Reports**

Majority Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-493)** on Bill "An Act To Regulate Mixed Martial Arts Competitions, Exhibitions and Events"

(H.P. 751) (L.D. 1089)

Signed:

Senators:

SCHNEIDER of Penobscot  
 SULLIVAN of York  
 RECTOR of Knox

Representatives:

SMITH of Monmouth  
 AUSTIN of Gray  
 MacDONALD of Boothbay  
 PRESCOTT of Topsham  
 HUNT of Buxton  
 CLEARY of Houlton  
 MARTIN of Orono  
 GILES of Belfast  
 COHEN of Portland

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

Signed:

Representative:

WRIGHT of Berwick

**READ.**

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

The SPEAKER: The Chair recognizes the Representative from Monmouth, Representative Smith.

Representative **SMITH**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I don't anticipate debate on this bill; however, I have learned that good work done in a committee often goes unnoticed in the whole body because there is no debate, and I just want to highlight some good work.

The issue of mixed martial arts coming to Maine was the subject of two very similar bills, one of which went to the Criminal Justice Committee and one went to the Business Committee. Because of the good work of both committees and both sponsors, the Representative from Sanford, Representative Tuttle, and the Representative from Rumford, Representative Peterson, and the commissioner of Professional and Financial Regulation, we have a terrific outcome in a strong committee report that will facilitate having mixed martial arts come to Maine. We have here an industry that wants to come to this state and simply asked that we regulate them appropriately, as that is required by their national organization. With that, I just want to raise a salute to the people who were involved in this and celebrate a success within the Legislature. Thank you, Madam Speaker.

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

Representative **WRIGHT**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. As you can see, I'm the lone dissenter on this bill and, although we have come close, I have no intention of trying to defeat a 12-1 Report.

I do have to speak on this bill though and first I want to commend Representative Peterson for bringing this forth. He showed knowledge, enthusiasm and a willingness to work to bring this sport to Maine. We also heard from many other legislators who were cosponsors or supporters, including Representative Prescott who, after talking about her black belt in karate, made everybody else on the committee just a little bit leery of crossing her. Then we heard from the promoters. They came promising to fill any arena that we have in this state. They talked about filling hotel rooms for the combatants, their families and the people interested. They talked about how we're going to bring more business to the restaurants and all the others associated. The one thing that they didn't talk about was bringing people in from out of state and the toll revenues that we will be realizing. Then we heard from the participants of the sport and, to me, they made the most compelling argument. These were mostly young adults, who came from troubled backgrounds. They talked about how the discipline of the martial arts taught them to be self-aware, self-assured and to carry themselves well. In our committee, we had to commend them all.

That being said, I know it sounds like I am a promoter of this bill, I'm the first to lay some rumors to rest, I am not a pacifist and I have the broken knuckles to prove it. I also recognize the discipline that comes from martial arts. When my son was young, he had extreme anger management problems. We enrolled him into tae kwon do and, thankfully, he brought those emotions under control, especially now, because he is six foot five. But this is a violent sport. People came and said it's no more violent than boxing. Well, boxing is a violent sport. It's not more violent than football. Football is a violent sport. My concern is the effects it has, not on the short-term but on the long-term, on the health of the participants. The amendment that came forth made the promoters provide emergency medical insurance for those during the fight, but what we didn't hear about was the long-term effects of having repeated blows to the head. All you have to do is listen to Muhammad Ali, at this time of his life, and you will see what that does to people. One of my concerns is these people with no insurance will be a burden on our system, which is already overrun.

The participants, I agree, they are very disciplined. They shake hands before; they shake hands afterwards, often with an embrace; they often work and train together. But my concern isn't with the participants, it's with the audience. If you watch these matches and I have watched them on TV, the participants are very disciplined. It's the crowd behind them hollering with every blow to the head, every time there is blood drawn. I was told, over and over, I didn't understand the sport, I had to watch them. I forced myself to watch a match and, unfortunately for the sponsor, this is probably the worst match that I could have watched in his concern. It went nearly five rounds and one of the participant's face looked like a pound of bloody hamburger at the end of the match. I cannot condone that kind of violence; I cannot support that kind of violence.

We heard about the economic stimulus that this will bring. As I said, I worry about the long-term effects, not just of the participants but also of the audience. Our society is getting more and more violent all of the time. We do not need to condone this kind of violence. As far as economic stimulus goes, gambling casinos and warehouses would also bring economic stimulus. I, for one, cannot support those and I cannot support this bill. Thank you very much.

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

Representative **WAGNER**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I, too,

share with Representative Smith the attitude that just because I'm not into it doesn't mean it shouldn't be permissible for other folks, but I do not see mixed martial arts as being healthy for anybody, our entire society in particular. I ask us to think back a bit. In the schoolyard you hear a fight and the kids come running, not to intervene, not to break it up but to get a good look, brutality as entertainment. This blood sport resembles too much to me circus maximus, something that you divert the people's attention away from the harsh economic realities of our times. I don't think we have to go back to ancient history though to be a little bit disturbed by this. There may be one or more within this body who can recollect what it feels like to have a swollen face, brewing blood in your mouth, inability to see out of one eye because of a blow that you've taken to the temple. A phrase that became a bit of a joke during the Clinton Administration, "I feel your pain", I wish technology would come up with something that would allow us to do just that as we view one of these matches, to feel the blows, literally. I think the audience would disappear quite quickly, with the exception of the hard core masochist. I think this activity, because I can't call it sport, is misnamed. When I think of martial arts, I think of self-discipline, self-control, techniques that would be only used in self-defense. The purpose of this is to inflict maximum damage on another human being. I see MMA as TBI, traumatic brain injury, taking blows to the head, not just from the hands as it is in boxing, but from the legs.

Now I received some information from a member of the New York Assembly, he sent me a report that he had prepared. One of the UFC heavyweight champions, Randy Couture, had his blows measured: with his hands 227 kilos of force, with his legs 910. It is permissible to grab the opponents head and knee him in the head. Now John McCain, the Senator, characterized this as human cockfighting. I see this as a human demolition derby. Now there are rules, rules that were not created by the Marquis de Queensberry, but more like the Marquis de Sade. As Representative Wright mentioned, who engages this and who profits from it? Nothing much different from the fight game, the sweet science boxing, kids from the lower rungs of the economic society trying to use what they've got, their bodies in some way, but who's making the money on it? How much, at the date for a licensed UFC fight, will stay within this state and how much of it goes back to Las Vegas, where the principle promoters reside? I ask, Ladies and Gentlemen, that you consider the choice that we have here, the choice between unnatural selection and intelligent design. Unnatural selection, in a sense, that you've got survival of the most desperate, as opposed to some intentional evolution. Let's see if we can move this society a little bit farther away from blood sports, a little farther away from that trait in our species that causes us to move towards combat, not to break it up, not to offer medical assistance, but to get a good look. I ask that you vote Ought Not to Pass. Thank you, Ladies and Gentlemen. Thank you, Madam Speaker.

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

Representative **PRESCOTT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. This is a bill that I can completely identify with. I am a martial artist and I have been a martial artist, first and second degree black belt, for many years. I have taught the art and I enjoy it with much passion. I believe that martial artists sometimes get the bad rap. The word violence often comes up and I want to just teach a lesson to this chamber that that's really not the case with martial arts. Martial artists are actually a very passive group of people and the words control and discipline come to my mind when I think of a martial artist. I do respect the words of Representative Wright and the Representative that followed, but to ban this sport

isn't our choice to make. We allow other sports and activities in this state and we have to remember that these people are not just wandering the streets of Maine ready to pounce on any victim that they see at will. These people enter a ring willingly to fight another opponent, just as in a boxing match, but blows to the head were mentioned and actually that isn't the case, because they're not just allowed to use their hands, they're allowed to use their feet, elbows and anything else so the target isn't always just the head, as it would be in a boxing match, a boxing match is usually head and torso. The object is to get the other guy into a position where they either cannot fight or they, what we call in the martial arts world, "tap out". Tap out means I know you've got me, you probably have me in a joint lock or some kind of way that I cannot move and, if I do move, you may break my arm. The other guy recedes and they bow to each other, because that's the respect that martial arts brings to the ring. They're not out to rip each other's head off but to win their round or fight, as any sport. These are trained athletes, professionals. They are in shape, they are conditioned and they know what they are doing. This is a highly regulated sport. There have been more deaths in Maine in snowmobiling, skiing, soccer, football, snowboarding, and I would have to say ice fishing as well. This is an economic development tool and, Ladies and Gentlemen, we need all the help we can get right now. These matches can fill our civic centers and our Bangor Auditorium and any other place that allows this sport to take place. We cannot turn this opportunity away. I urge you to vote to pass this as our committee did, with a 12-1 strong report, with a lot, a lot of work together to educate each other on what this sport is all about. Please follow my light. Thank you, Madam Speaker.

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

Representative **WAGNER**: Thank you, Madam Speaker. If it hasn't already been done so, I ask for a roll call. Secondly, with respect to your submission, when you are highly trained as an athlete, you go beyond the pain of the training, you push yourself farther and farther, and you will not give up unless it's an absolute impossibility for you to continue. It is difficult, I would think, to submit when your wits have been jarred by the blows that you have received. You can train not to give in. The result? Knockouts instead. Ladies and Gentlemen, again, please defeat this motion.

Representative **WAGNER** of Lyman **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 Buxton, Representative Hunt.

Representative **HUNT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I have to admit this is not my sport, but secretly I love boxing, but this one really isn't for me. But that being said, you know, another gladiator sport that we all seem to embrace is football. You're telling me on Sunday that when a wide receiver goes to get a pass across the middle, the safety is not going to lay him out and people cheer about that? The safety's job is to knock that person out so that they never catch a pass again. If they don't do that, they're replaced by somebody who will. So let's not have a double standard here. Frankly, my two favorite words in hockey are hit them. That being said, this is a good sport. It's not my sport. There's less blows to the head than say boxing, which we have a proud tradition of here in the state, and I think this is a positive step forward for the state. Thank you very much.

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. Let's examine the facts for a moment: Mixed martial arts is widely accepted as the fastest growing sport in the world. *Forbes* magazine recently published an article in which it was estimated that this sport would become a \$1 billion industry within five years.

This bill was drafted and worked with input from the Ultimate Fighting Championship, or the UFC, the largest mixed martial arts organization in the world. The UFC pledged their desire to bring their business to Maine if we clarified our law and joined over 30 other states in the nation in creating a regulatory structure that would insure the safety of participants.

When we talked about the UFC coming to town, we are talking about a significant potential economic impact. When the UFC went to the city of Columbus, Ohio, for March 2007's UFC 68, it was the largest gate in nationwide arena history. Approximately 40 percent of attendees visited from outside of Ohio, a boom for hotels and restaurants in Columbus. According to the Ohio Athletic Commission, this single MMA event produced \$11 million in external economic activity for the city. The UFC itself purchases 600 hotel rooms when they bring an event to town. The sport is now regulated and recognized by the world's most prestigious sports regulatory bodies, including the California, Florida, Nevada, New Jersey, Ohio and Pennsylvania state athletic commissions.

Maine is where multiple champions got their start, but they were forced to move out of state to pursue their careers. We grow some of the greatest mixed martial artists in the world starting in the wrestling programs in our schools and communities, where the best competitors develop their skills and instincts, and then we export them because they don't have the legal and regulatory environment to continue to develop and perfect their skills, and, in the process, Maine is missing out on a golden opportunity to generate much needed revenue. Please follow my light, vote green and pave the way to bring the fastest growing sport in the world to our state. Thank you, Madam Speaker.

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 favor of the Majority Ought to Pass as Amended Report. There are a couple of things I want to bring to the attention of the body. So this motion respects the opinion of two, near unanimous, committees here in the Maine Legislature with a 12-1 and I believe a unanimous out of the Criminal Justice Committee. I don't think that those folks sat and listened to hours of testimony to then take a random guess at what is the best opinion of the day. They went forward, listened, got themselves informed and made a prudent decision.

The second piece I want to talk about, I can't lie. I cosponsored it, I am a fan of the sport, I am proud to say I'm a fan of the sport and I'm proud to say that I'm actually informed about the sport to the degree that a fan can be. I don't remember my mouth ever being bloody, I don't remember having swallowed it, but I can tell you, watching the sport, I know that it's 50/50 on whether someone's going to get a "tap out", which is a submission hold, or if they're going to try to carry the day, get back up, show some heart and keep fighting. The reality is, and the good Representative from Topsham spoke about this, the respect and discipline that these fighters have leads them to say, wow, I'm in this position, my arm is up over my head, I can't get

out of this, I'm done, thanks for fighting, it's over, I'll hug you at the end and next time I'm going to try to twist your arm that way and we'll see how it goes. So the facts don't meet with some of the testimony that we've heard, that folks just always get back up and keep fighting. These fighters know when they can't and they don't, and the simple fact that there hasn't been a death here in the U.S., and worldwide I think there have been two in the history of this whole program, again, I have to always keep going back to the good Representative from Topsham, we had seven deaths on snowmobiles last year alone. So this sport is apparently safer than riding a snowmobile. That can't be. It's not our job I don't think to sit here and say to committee, they don't know what they're doing, let's do what we want. I urge you to vote Ought to Pass.

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

Representative **TUTTLE**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. As has been mentioned, I, along with Representative Peterson, of Rumford, had presented this legislation. Just for our information, some states have their licensing departments regulate these events. The states of Delaware, Washington and Connecticut, there's a bill pending similar to ours. Several states also allow professional competitions. These states are Alabama, Alaska, Hawaii, Indiana, Massachusetts, Mississippi, North Dakota and Wyoming. The Unified Rules of Martial Arts have been adopted by the New Jersey Athletic Commission, the states of California, Oregon, Pennsylvania, Nevada, New Hampshire and Massachusetts.

As was mentioned before, this bill allows mixed martial arts' matches and competitions in the State of Maine. The hearing that we had before the Criminal Justice Committee, there was a gentleman by the name of Marcus Davis, who's originally from Bangor and is very highly ranked in the organization. He's a great competitor and he's a great trainer. He mentioned in his life he had been a boxer and he said his life was going nowhere, and because of mixed martial arts, it's allowed him to have a family, have a very good life. As has been mentioned here before, the whole essence of mixed martial arts is rather different than a lot of other violent activities like football, boxing. I can tell you, I've been a wrestler all of my life, I've been in boxing, and I think mixed martial arts is much safer than boxing, because in boxing you have massive trauma to the head time after time after time, the fighter goes down, they get him up and make him fight again. Mixed martial arts, you're hurt once, they stop the fight.

Now there is an interest and a fan base for this sport in Maine; however, there is no regulatory board or venue for the competition. That's why we're here with you today. Maine currently has a world champion mixed martial artist who does want to compete in Maine, but, because of the law, he can't do that. As I mentioned, wrestlers from across the state also support this bill, as mixed martial arts is a logical place for many serious wrestlers to go in their career. Almost everyone who has trained and turned pro in Maine has left. Professional mixed martial artists do not see an opportunity here and that's a shame, because we have many Maine natives, many former wrestlers that are nationally ranked now, and for us not to allow them to compete in Maine is not the right thing to do. The sport has many rules, as well as weight classes and time periods. Since the UFC took charge with implementing the rules of standards that gave the sport credibility, which is not how it started. As it started, we had a lot of work to do; we've done that in the time. I think its time has come for Maine. This also provides a great opportunity, as has been mentioned before, for the State of Maine with venues, and I think at this time with all of the things

that have been done in mixed martial arts, the improvement with the matches and the competition, I believe it's the right thing for Maine. Thank you, Madam Speaker.

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. 157**

YEA - Austin, Beaudette, Beaulieu, Beck, Berry, Bickford, Blodgett, Bolduc, Briggs, Browne W, Bryant, Burns, Butterfield, Cain, Campbell, Carey, Casavant, Cebra, Chase, Clark H, Clark T, Cleary, Cohen, Connor, Crafts, Cray, Crockett P, Curtis, Davis, Dill, Driscoll, Duchesne, Eaton, Edgecomb, Finch, Fitts, Flaherty, Flemings, Fletcher, Fossel, Gifford, Giles, Goode, Hamper, Hanley, Harlow, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Joy, Kaenrath, Kent, Knapp, Knight, Langley, Legg, Lewin, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McFadden, McKane, Miller, Millett, Morrison, Nass, Nelson, Nutting, O'Brien, Peoples, Percy, Peterson, Pieh, Pilon, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Richardson D, Richardson W, Russell, Sanborn, Sarty, Saviello, Shaw, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tilton, Treat, Trinward, Tuttle, Valentino, Van Wie, Weaver, Webster, Welsh, Wheeler, Willette, Madam Speaker.

NAY - Adams, Boland, Dostie, Eberle, Flood, Gilbert, Jones, Kruger, Lajoie, Pendleton, Rankin, Rotundo, Schatz, Wagner J, Wagner R, Watson, Wright.

ABSENT - Ayotte, Beaudoin, Blanchard, Celli, Cornell du Houx, Cotta, Crockett J, Cushing, Eves, Greeley, Johnson, McLeod, Perry, Robinson, Rosen.

Yes, 119; No, 17; Absent, 15; Excused, 0.

119 having voted in the affirmative and 17 voted in the negative, with 15 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-493)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-493)** and sent for concurrence.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Create a Duty To Report Serious Injuries"

(H.P. 877) (L.D. 1258)

Signed:

Senators:

GERZOFISKY of Cumberland  
NUTTING of Androscoggin  
DAVIS of Cumberland

Representatives:

HASKELL of Portland  
HANLEY of Gardiner  
LAJOIE of Lewiston  
GREELEY of Levant  
SCHATZ of Blue Hill  
PLUMMER of Windham  
WHEELER of Kittery  
MAGNAN of Stockton Springs

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-488)** on same Bill.

Signed:

Representatives:

BURNS of Whiting  
SYKES of Harrison

**READ.**

Representative HASKELL of Portland moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-489)** on Resolve, Establishing the Blue Ribbon Commission To Study Landlord and Tenant Issues (EMERGENCY)

(H.P. 747) (L.D. 1080)

Signed:

Senators:

SULLIVAN of York  
PLOWMAN of Penobscot  
GOODALL of Sagadahoc

Representatives:

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

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

Signed:

Representative:

VALENTINO of Saco

**READ.**

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

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-489)** was **READ** by the Clerk and **ADOPTED**.

Representative TUTTLE of Sanford **OBJECTED** to suspending the rules in order to give the Resolve its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Subsequently, the Resolve was assigned for **SECOND READING** Tuesday, June 2, 2009.

**UNFINISHED BUSINESS**

The following matter, in the consideration of which the House was engaged at the time of adjournment Friday, May 29, 2009, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Report "A" (7) **Ought to Pass as Amended by Committee Amendment "A" (H-430)** - Report

"B" (3) **Ought to Pass as Amended by Committee Amendment "B" (H-431)** - Report "C" (3) **Ought to Pass as Amended by Committee Amendment "C" (H-432)** - Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Establish a Farmer's Rights in an Investigation of Intellectual Property Theft of Genetically Engineered Material"

(H.P. 827) (L.D. 1202)

TABLED - May 28, 2009 (Till Later Today) by Representative PIEH of Bremen.

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

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

Representative **PIEH**: Thank you, Madam Speaker. I just rise to talk a little about Report "A", Ought to Pass as Amended. You'll notice, if you're looking in your calendars, there is a Report "A", a Report "B" and a Report "C." So Report "A" is included in Reports "B" and "C", and Report "B" includes Reports "A" and "C". So I hope that makes it all clear for you.

Report "A" has some language in it that we thought we had put in last year, in the 123rd Legislature, about agreements between farmers and seed manufacturers being clear and readable. It also has a section in it that says that the rules that are being promulgated right now by the Department of Agriculture, as a result of a working group made up of stakeholders, organic farmers, farmers that use other methods of farming, about how they should farm next to each other with potentially conflicting products, that putting a date on that and making those rules major substantive. Those are in both of the other reports.

What I will say to you that the farmers that are under contract with these seed manufacturers aren't interested in these bills, they aren't interested in Reports "B" or "C", they would put up with Report "A". They feel that it is their right to have a contract with these manufacturers and it's their issue if they do. So it hasn't been a problem to this point in Maine. There are places around the country where there are lawsuits happening and I respect very much my fellow committee members that want protect these farmers, but their concerned, as farmers, that if we go too far with interfering with their contracts, that they won't be able to get the contracts, that the seeds won't be available to them and they feel that they have the right, if they want to, to farm with genetically modified organisms. So that basically is why I'm on Report "A" is because I think that if a farmer doesn't want me to protect them from something they're concerned that my protection will in fact threaten them, that it's not appropriate to do so. So I encourage you to support Report "A". Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Eddington, Representative Pratt.

Representative **PRATT**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I believe this is what I was looking for earlier. I agree with pretty much everything my good House chair had to say, and I certainly by no means would like to rise in opposition to Report "A" to mean that I don't appreciate what's in there. Actually, I appreciated it so much, I thought we passed it last year and this body did. But other than that, it doesn't really do a whole heck of a lot to be perfectly honest with you. It does what we were pretty much I think everybody on the committee thought we had already accomplished. Let me talk briefly, and I'm sure they'll be some other folks who will talk about their report, my report, which I believe is Report "B".

Report "B" does a couple of things: It says if you have a technology use agreement with a seed company or agribusiness

company, I think it's important to understand what that is. It's an agreement, it's a lease. You don't own the seed, you don't buy the seed. What you get is the privilege to use that seed, get the benefit from what that grows. What you retain is all the liability if that somehow goes wrong. If somehow, if that gets across into somebody else's field and contaminates somebody else's crop, whether it be organic or conventional or anybody who just doesn't want GE in it, the liability rests with that farmer, even if they followed all the rules of that technology use agreement. Even if they said they did everything that they were supposed to do, it still is on them that liability.

The whole goal of this legislation, which started a couple of years ago, was to prevent farmers from suing farmers based on this type of incident. So my report with some other members does a couple of things: First off, it sets that liability, goes to the seed manufacturer, the person who owns that technology, the person who propagates that technology and spreads it out across the community. If the farmer does what they are supposed to and there is an issue, this would put that liability for that lawsuit back on to the manufacturer of the material, not the farmer who used it. It says, if one of these companies wants to come onto your farm and do an investigation, or they suspect that you have somehow violated your contract or you are holding on to patented copyrighted material, that you're not supposed to have, it asks for a couple of things. It asks for five days notice to allow the farmer time to adjust his schedule so they'll able to be there when those investigators come; it allows for a representative from the Maine Department of Agriculture to be there while that investigation happens, as a representative of the farmer being investigated, if they so choose; and that there are split samples that are sent to independent testing labs, as well as the agribusiness or the seed manufacturers testing lab. It would also say that any lawsuit that was brought against a farmer for a violation of that contract would happen in the State of Maine under Maine law. That's it, that's really what it does.

A lot of people say, some folks who were in the caucus earlier heard me go on about this a long time so I'll try to be quick. There is a reason that this is important. There have been, as my good House chair mentioned, some instances in other states where people who had had a technology use agreement and then no longer had a technology use agreement were investigated, people came onto their farm, took samples of that and charged them with copyright infringement and holding on to patented material. So all that I'm asking and I think that all this report is asking is to set up some ground rules for when and if that happens. I'll tell you folks, we can stick our head in the sand and we could pretend it's not going to, but the more and more of these types of crops that are grown in Maine are allowed by the Bureau of Pesticides Control to be sold in the State of Maine, the more likelihood there is for a contamination. We have some unbelievable opportunity here in the State of Maine to access a market, some high value markets, for GMO free food.

We have also a law in the State of Maine that says if we're going to label something GMO free, it can't have more than one percent GMO material in it. I'll bring your attention to a flier that was distributed earlier—oops, we're not supposed to use props, sorry—from the *Boston Globe* that's talking about the potential for growing GE free canola up in Aroostook County and producing that and manufacturing that into GMO free canola oil. It's a good rotation crop for potatoes, canola is. I think there's a huge market, especially in Europe, and growing in this country for GMO free foods. You know, if we aren't really careful, we can take away the possibility for that to happen in the State of Maine. All that this bill does is ask for a set of guidelines and rules if something happens, as contamination even happens, so that

everyone's protected, including that seed dealer. I'm not trying to say that there aren't people out there who might have nefarious ideas and do something wrong and I want those people to be able to be prosecuted for doing that, I don't think it's too much to ask. I think it's pretty reasonable that the people who are responsible for putting that material out there should be reliable for that. They gain all of the benefit from the monetary, they receive a lot of money for that seed but they don't hold any of the liability when something bad happens and I question that. If there are any questions, I'd certainly be willing to answer them. I appreciate your time. I would say help us protect this Maine brand; help us protect possibilities and avenues for diversification for Maine farmers. Thank you.

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

Representative **EDGEComb**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. The intent of the Majority Report of LD 1202 is that the Department of Agriculture promulgate rules for best management practices for farmers planting genetically engineered crops and for farmers planting organic crops or non-organic identity reserve crops when they are in close proximity to each others fields, recognizing the buffer zones, topography, hedgerows, planting times, germination and days to maturity, all are factors that can prevent crosspollination. For example, Richard Lary, an organic dairy farmer from Clinton, raises corn, headland to headland, with a conventional dairy farmer. The conventional dairy farmer plants treated herbicide tolerant corn, approximately two to three weeks before Mr. Lary. Now Mr. Lary cannot, because of the organic standards, plant treated seed, so he has to wait for the ground to warm up to 60 degrees or so, making it virtually impossible for crosspollination to be a problem. This is just one example of how farmers coexist.

When I was a young boy growing up, I recall when our Holstein bull escaped from my father's pasture. The bull ended up at our neighbor's pasture, who had registered Guernseys. Now I believe that the bull was extra friendly with one of his cows and, as a result, Burton and my dad had a conversation and they worked it out, neighbor to neighbor, and there was never a problem following that. Farmers still do this today. It's the Legislature that thinks that they have to talk for the farmers and that's the real problem. Technology use guides are provided in a very readable format for all manufacturers of genetically engineered seeds and are available online in any font size your computer or monitor can accommodate.

As for the other issues of LD 1202, these were dealt with by the Legislature only a year ago. It is not the place of this Legislature to interfere with the private contract between two parties. Our farmers have been growing GE crops with technology use agreements for 12 years and we have never had a problem. No farmer who plants GE crops has expressed any desire for interference by the state in this private affair. Not only did the Farm Bureau, the Dairy Association and the Maine Potato Board testify in opposition to this bill, but several organic farmers testified in opposition. You might question the motives of other organic farmers who had worked so hard to help those four conventional growers deal with the manufacturer of a product that they are prohibited from using by the National Organic Standards. The real motive is to make doing business in Maine so onerous as to cause these manufacturers to pull their products from the marketplace. In 2008, with the heavy rains following planting season, if 80 percent of our cow corn, which is more commonly known as field corn, has not been herbicide tolerant, allowing them to spray after the ground dried out and the weeds and the corn had emerged, the losses to the dairy industry would

have been staggering and we would have lost many dairy farmers. Madam Speaker, you could be a hero to the agricultural industry in this state if you would support this motion that's on the board. Thank you.

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

Representative **TREAT**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I stand to oppose the pending motion so that we can go on to support one of the other two reports, and I do so because I just don't think that the pending Report "A" goes far enough. Yes, certainly it is good to have a contract in a type face that's actually large enough to read. This is a good thing, nothing wrong with that. But I think that we are dealing here with something that is actually quite different from talking with our neighboring farmer about cows that get a little too friendly with their neighboring cows. We're actually talking about farmers dealing directly with very large multinational corporations, and I have to say that when I hear that a particular company has essentially threatened to pull out of the State of Maine, if we take a look at what their activities are and provide the kind of guidance that we would be providing in the other two reports, my ears perk up and I wonder what it is that they are so concerned about. We have a history in this state of being very careful in terms of protecting consumers and making sure that our farmers have all the options before them. You know some have said, we had a discussion out of the Legislature but in our caucus, and someone said, Well Millie, these are sophisticated people farmers, so they really need the kind of protections that are in place or would be in place in the alternative reports to Report "A". I would just say that, in this state, we have in the past enacted laws relating to other sort of very large corporations that write very complicated contracts and these protections would apply to Fortune 500 companies and the same questions were asked: Oh, but these guys really know what they're doing, they've got super duper corporate attorneys; this is really necessary, it's overregulation. But indeed, in those cases and I am referring specifically to our rules around purchasing of pharmaceuticals, those rules are needed because in fact these Fortune 500 companies are entering into contracts which in fact jip them and do not provide for the kind of discounts that they think that they are getting, and I think that in this case we have something that is very similar except that, instead of a Fortune 500 company, you have a farmer who doesn't necessarily want to spend a lot of time and money on an attorney to go through these kind of take it or leave it contracts with a fine tooth comb. Again, Report "A", nothing wrong with it, but I don't think it goes far enough. I hope you'll follow my vote in voting red so that we can go on to accept one of the other two reports.

Representative **PIEH** of Bremen **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass as Amended**.

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 Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. We haven't heard much in regards to Report "C" at this point in time, so before we actually dive into that vote, I would actually like to touch upon Report "C".

The SPEAKER: Would the Representative defer. The Chair would remind members that this is a complicated bill because there are three reports of the original bill. You can't overtly debate Report "B" or Report "C". You obviously can discuss Report "A" and how it compares to the original bill. If the Representative wants to proceed, the Representative may proceed.



The Chair reminded Representative MCCABE of Skowhegan to stay as close as possible to the pending question.

Representative **McCABE**: I hope that folks will follow me in voting red. Thank you.

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

**ROLL CALL NO. 158**

YEA - Austin, Beaulieu, Bickford, Blodgett, Browne W, Burns, Cain, Campbell, Cebra, Celli, Chase, Clark H, Clark T, Cleary, Cohen, Crafts, Cray, Crockett P, Curtis, Davis, Dostie, Eaton, Edgecomb, Finch, Fitts, Fletcher, Flood, Fossel, Gifford, Giles, Hamper, Harvell, Haskell, Hayes, Hogan, Joy, Knapp, Knight, Langley, Lewin, MacDonald, Mazurek, McFadden, McKane, Millett, Nass, Nelson, Nutting, Peoples, Peterson, Pieh, Pinkham, Piotti, Plummer, Prescott, Priest, Richardson D, Richardson W, Saviello, Strang Burgess, Sutherland, Sykes, Tardy, Thibodeau, Thomas, Tilton, Trinward, Tuttle, Valentino, Watson, Weaver, Willette.

NAY - Adams, Beaudette, Berry, Boland, Bolduc, Briggs, Bryant, Butterfield, Casavant, Connor, Duchesne, Flaherty, Flemings, Gilbert, Goode, Harlow, Hill, Hinck, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Kruger, Lajoie, Legg, Lovejoy, Magnan, Martin JR, Martin JL, McCabe, Miller, Morrison, O'Brien, Pendleton, Percy, Pilon, Pratt, Rankin, Rotundo, Russell, Sanborn, Schatz, Shaw, Sirois, Smith, Stevens, Stuckey, Theriault, Treat, Van Wie, Wagner J, Wagner R, Webster, Welsh, Wheeler, Wright, Madam Speaker.

ABSENT - Ayotte, Beaudoin, Beck, Blanchard, Carey, Cornell du Houx, Cotta, Crockett J, Cushing, Dill, Driscoll, Eberle, Eves, Greeley, Hanley, Johnson, McLeod, Perry, Robinson, Rosen, Sarty.

Yes, 72; No, 58; Absent, 21; Excused, 0.

72 having voted in the affirmative and 58 voted in the negative, with 21 being absent, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-430)** was **READ** by the Clerk and **ADOPTED**

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-430)** and sent for concurrence.

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

HOUSE DIVIDED REPORT - Majority (11) **Ought to Pass as Amended by Committee Amendment "A" (H-470)** - Minority (2) **Ought Not to Pass** - Committee on **JUDICIARY** on Bill "An Act To Require Interscholastic Athletic Organizations To Comply with Freedom of Access Laws"

(H.P. 909) (L.D. 1306)

Which was **TABLED** by Representative **PIOTTI** of Unity pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

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

The **SPEAKER**: 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. 159**

YEA - Adams, Austin, Beaudette, Berry, Bickford, Blodgett, Boland, Bolduc, Briggs, Browne W, Bryant, Burns, Butterfield, Cain, Campbell, Casavant, Cebra, Celli, Chase, Clark H, Clark T, Cleary, Cohen, Connor, Crafts, Cray, Crockett P, Curtis, Davis, Dostie, Duchesne, Eaton, Finch, Fitts, Flaherty, Flemings, Fletcher, Flood, Fossel, Gifford, Gilbert, Giles, Goode, Hamper, Harlow, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Knapp, Knight, Kruger, Lajoie, Langley, Legg, Lewin, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McKane, Miller, Millett, Morrison, Nass, Nelson, Nutting, O'Brien, Pendleton, Peoples, Percy, Peterson, Pieh, Pilon, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rankin, Richardson D, Richardson W, Rotundo, Russell, Sanborn, Saviello, Schatz, Shaw, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Tardy, Theriault, Thibodeau, Tilton, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Weaver, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Beaulieu, Edgecomb, Joy, McFadden, Sykes, Thomas.

ABSENT - Ayotte, Beaudoin, Beck, Blanchard, Carey, Cornell du Houx, Cotta, Crockett J, Cushing, Dill, Driscoll, Eberle, Eves, Greeley, Hanley, Johnson, McLeod, Perry, Robinson, Rosen, Sarty.

Yes, 124; No, 6; Absent, 21; Excused, 0.

124 having voted in the affirmative and 6 voted in the negative, with 21 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-470)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-470)** and sent for concurrence.

The **SPEAKER**: The Chair recognizes the Representative from Kittery, Representative **WHEELER**, who wishes to address the House on the record.

Representative **WHEELER**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. In reference to Roll Call No. 144 on LD 1148, had I been present, I would have voted nay. Thank you, Madam Speaker.

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

On motion of Representative **TARDY** of Newport, the House adjourned at 6:18 p.m., until 9:00 a.m., Tuesday, June 2, 2009.