

MAINE STATE LEGISLATURE

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State of Maine

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ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
 FIRST REGULAR SESSION
 50th Legislative Day
 Wednesday, June 3, 2009

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

Prayer by Reverend Robert Beaumont, Brunswick (retired).

National Anthem by Sara and Alex Smith, Whitefield.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Robert S. "Bob" McPhee, of Dixfield, on the special occasion of his induction into the Maine Baseball Hall of Fame. Mr. McPhee was born in Rumford, grew up in West Peru and graduated from Rumford High School, now Mountain Valley High School, in 1977. He was an excellent athlete in high school, earning varsity letters in football, wrestling and baseball, and was honored in *Who's Who Among American High School Students* for 1976-1977. He suffered a brain stem contusion while playing football in 1976 and was in a coma for 17 days. After over three years of rehabilitation at various rehabilitation centers in Maine and Massachusetts, Mr. McPhee went on to attend Husson College in Bangor and graduated from the University of Maine with a Bachelor's degree in Journalism. Since 1984, he has been a respected journalist. He worked as a columnist for the *Maine Sunday Telegram* from 1984 to 1987 and has worked as a sports correspondent for the *Rumford Falls Times* from 1997 to the present and as a staff writer in the sports department of the *Lewiston Sun Journal* from 1987 to the present. During his illustrious journalistic career, Mr. McPhee has been honored with numerous well-deserved awards, including being named the 1996 State Editor-of-the-Year by *Wrestling U.S.A. Magazine* and the 1997 Media Award for Writer of the Year by the Maine Interscholastic Athletic Administrators Association and receiving the 1998 Media Award from the Maine Field Hockey Association. In addition to his awards, Mr. McPhee was inducted into the Maine Amateur Wrestling Hall of Fame for his writing and wrestling career and into the Maine Sports Hall of Fame for Special Merit. We extend our congratulations to Robert S. McPhee on his being inducted into the Maine Baseball Hall of Fame, and we send him our best wishes;

(HLS 429)

Presented by Representative BRIGGS of Mexico.

Cosponsored by Senator BRYANT of Oxford.

On **OBJECTION** of Representative BRIGGS of Mexico, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Briggs.

Representative **BRIGGS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. It is my privilege and honor to recognize a very dear friend, Bob McPhee of Dixfield. Although I've known who Bob was for many years through his career in journalism, I had never met him personally. I have now gotten to know Bob during the second session of the 123rd legislature. You see, because of Bob's disability and the proposed budget cuts that took place last year, he was very afraid of losing his support staff who assist him in his every day life's tasks. I became a very strong advocate for Bob

during the budget process, and in the end, I was so grateful that the appropriations committee decided not to cut the program for his assisted living support staff. Since then, we have been communicating mostly through email, but we catch up with each other every now and then on the courts or in the fields.

As our House Clerk read in the Special Sentiment Calendar, I would like to add a few more items to Bob's resume as he has shared with me. Bob currently serves as Vice-Chair for ALPHA-ONE Board of Directors. He also serves as a member of the Department of Education Statewide Assistive Technology Advisory Council.

Bob's career in journalism has been extremely rewarding for him as he has received several awards mentioned here today. Of course, his most recent award of being inducted into the Maine Baseball Hall of Fame.

Although very reluctant, Bob as written a book "It Could Be Worse" An autobiography by Bob McPhee.

A while ago, an article was written in the *Sun Journal* by Kalle Oakes about Bob, and I'll read you a few clips from the article. It starts out:

Bob McPhee lost his ability to walk and speak in a fateful football collision more than 28 years ago. His adventurous streak was untouched. Since that accident in a Rumford High School uniform, McPhee has tackled whitewater rapids on the Kennebec River, whooshed down snow-swept mountains at Sunday River and ridden roller coasters.

So why the reluctance to write his autobiography? Bob stated "I didn't feel I had a story to tell."

Kalle Oakes continues to write: *That's hard to imagine. Adrenaline-junkie McPhee also is a professional sportswriter, a better one than most peers with full use of arms and legs. He's been honored by the Maine Sports Hall of Fame and inducted into the Maine Amateur Wrestling Hall of Fame. His very dear friend Ted "Bitsy" Ionta quoted: "All the time we've been together since he got hurt in '76, I have never once heard him say, 'Why me?' or, 'If only.' He just goes with the flow."*

Ionta, who was McPhee's high school baseball coach, now takes McPhee to dozens of high school athletic events each year. McPhee himself has been a fixture on the *Sun Journal* sports pages since 1987 and a correspondent for the *Rumford Falls Times* in recent years as well. He's best known for his baseball, wrestling, field hockey, and tennis coverage. It's probably no coincidence that Bob played shortstop for Ionta at Rumford, because he's called in sick as infrequently as Cal Ripken, Jr., another middle infielder known for his work ethic. Bob makes all his assignments, even though he's susceptible to colds and things. Even on his healthiest days, Bob is an over-comer. Left with limited use of his fingers, he cradles a pen and notebook but relies on Ionta as his statistician.

In the early 1990s, friends in Dixfield, Peru, and Rumford raised funds to help buy him a Liberator, a machine resembling a laptop. Bob types, and a computer-generated voice speaks on his behalf. The gift was a godsend to a guy who doesn't ask for much. Bob stated "I don't consider myself any different from anybody else. I try to get by in life. I make mistakes, but I keep at it."

I will end with a final quote from Bob's autobiography "It Could Be Worse": "There are peaks and valleys that every human being will encounter through out life. It's important to be able to deal with it. Enter in to it with a goal, guarding against leaning toward the opposite end of the spectrum. There are times, when a task or endeavor is accomplished, that leave a feeling of utopia. There are also times when the feeling may be one of despair. It's imperative to maintain a proper and positive perspective."

Bob, you are truly an inspiration to all. Thank you very much. Thank you, Madam Speaker.

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

Representative **PETERSON**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I won't make any bones about it, Bob McPhee is a legend in the river valley community that I call home. He is a living, breathing embodiment of the tireless work ethic that is our way of life in western Maine. He is a staple on the high school sport's scene, where he can be found on any given day at the football field, on the wrestling mat or on the baseball diamond, depending on the season, reporting diligently for the *Sun Journal* and *Rumford Falls Times*.

Growing up in the Rumford, Mexico, Dixfield area, you learned from a young age by watching Bob McPhee. We were all obligated to make our way through the world, despite the curveballs life throws at us, in the most responsible, resourceful manner possible. That's what Bob has always done, and he has inspired and galvanized a countless number of us in the process. Congratulations, my friend.

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

REPORTS OF COMMITTEE
Divided Reports

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Enact a 5-point Welfare Reform Program"

(H.P. 200) (L.D. 254)

Signed:

Senators:

BRANNIGAN of Cumberland
MARRACHÉ of Kennebec

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-513)** on same Bill.

Signed:

Senator:

MILLS of Somerset

Representatives:

JOY of Crystal
LEWIN of Eliot
STRANG BURGESS of Cumberland

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought Not to Pass** Report.

READ.

Representative PERRY of Calais moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

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

ROLL CALL NO. 177

YEA - Adams, Beaudette, Beaudoin, Berry, Blanchard, Blodgett, Boland, Briggs, Bryant, Butterfield, Cain, Campbell, Carey, Casavant, Clark H, Cleary, Cohen, Connor, Crockett P, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Eves, Finch, Flaherty, Flemings, Gilbert, Goode, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kruger, Lajoie, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, Miller, Nelson, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Piotti, Pratt, Priest, Rankin, Rotundo, 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, Ayotte, Beaulieu, Beck, Bickford, Browne W, Burns, Cebra, Celli, Chase, Clark T, Cornell du Houx, Cotta, Crafts, Cray, Crockett J, Curtis, Davis, Edgecomb, Fitts, Fletcher, Flood, Fossel, Gifford, Giles, Greeley, Hamper, Hanley, Harvell, Johnson, Joy, Kaenrath, Kent, Knapp, Knight, Langley, McFadden, McKane, McLeod, Millett, Nass, Nutting, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Robinson, Rosen, Sarty, Saviello, Shaw, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tilton, Weaver, Willette.

ABSENT - Bolduc, Cushing, Lewin, Morrison, Russell, Tuttle. Yes, 85; No, 60; Absent, 6; Excused, 0.

85 having voted in the affirmative and 60 voted in the negative, with 6 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Allow a Resort Casino in Oxford County"

(H.P. 933) (L.D. 1329)

Signed:

Senators:

SULLIVAN of York
GOODALL of Sagadahoc

Representatives:

CORNELL du HOUS 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" (H-511)** on same Bill.

Signed:

Senator:

PLOWMAN of Penobscot

Representatives:

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

READ.

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

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. I just wanted to report to everyone that we did, in Legal and Vets, pass out a resolve that our committee will be looking at casinos and racinos next session. So we will be taking all of the information and issues that were dealt with in this bill and we will be continuing it next session, and we will be looking at these next session. Thank you.

The SPEAKER: The Chair recognizes the Representative from Waterford, Representative Millett.

Representative **MILLETT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I would like to speak in opposition to the pending motion and, in so doing, indicate in general terms the intent of the Minority Report. I appreciate the comments from the good Representative from Waterville, Representative Trinward. I watched the bill that came through here a week ago that does propose to do study. I think that is a positive sign that Maine is willing to take a look at casino operations in a broader light than simply a knee-jerk reaction that has been exercised in the past.

I cannot speak to the details of the Minority Report, but let me say it is not, if you might think it is, a clone of the bill that was voted on last November. It is a much improved, much revised version that targets on an approach that is clearly, openly competitive, has no connection to the circulation of the petition that led to the vote last November; it takes away any potential for persons underage voting or working or gambling; and it does an openly competitive award process.

One of the things I can talk about, I believe, is the fiscal note, and not withstanding Representative Trinward's comments about timing and looking at the report that will be available to us sometime in the winter, I want to stress that there is no better time than now to stimulate economic activity, both in my county and in western Maine and in the state as a whole. This proposal, with (H-511) as a fiscal note, could generate more than \$32 million to the State of Maine outside of and in addition to the economic benefits of construction activity which would occur in 2010. I've focused on economic development and transportation infrastructure with the money being budgeted, earmarked for statewide and regional activities, and I believe it is the right kind of stimulus that we desperately need, both regionally and statewide, at this time.

I do want to say that the approach is one in which for the first time we would actually be looking at income from this resort/casino being actually considered as part of an overall budgeting process, and not simply cascading in small amounts to programs that didn't require any justification for the spending. I really hope that you will give me an opportunity to talk more about the bill, reject the Majority Report at this time and give me an opportunity to explain the bill in more detail. Madam Speaker, when the vote is taken, I request a roll call.

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

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

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

Representative **BICKFORD**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. In 2007,

the other body and ours passed a bill favoring casinos in the State of Maine, and when it went to the second floor, it was vetoed. I want to say that for a state to have and promote gambling through lottery tickets and Megabucks and Powerball, and to say no to casinos, seems kind of hypocritical to me. Voters overwhelmingly approved a racino in Bangor, Hollywood Slots. We overwhelmingly submitted a bill in 2007 that passed this body and the other body. There is no reason why we shouldn't pass a bill again this year, and I urge you to vote no on the pending motion. 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. 178

YEA - Adams, Beaudette, Beaudoin, Beck, Berry, Blodgett, Boland, Bolduc, Briggs, Butterfield, Cain, Carey, Casavant, Clark H, Cleary, Cohen, Connor, Cornell du Houx, Crafts, Crockett P, Davis, Dill, Dostie, Driscoll, Duchesne, Eberle, Eves, Finch, Flaherty, Flemings, Fossel, Goode, Hamper, Hanley, Harlow, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Knapp, Knight, Kruger, Lajoie, Lovejoy, Magnan, Martin JR, Martin JL, Mazurek, McFadden, McKane, Miller, Nelson, O'Brien, Pendleton, Peoples, Percy, Perry, Pilon, Piotti, Pratt, Priest, Rankin, Rotundo, Sanborn, Shaw, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Treat, Trinward, Valentino, Van Wie, Wagner J, Wagner R, Watson, Weaver, Webster, Welsh, Wheeler, Wright, Madam Speaker.

NAY - Austin, Ayotte, Beaulieu, Bickford, Blanchard, Browne W, Bryant, Burns, Campbell, Cebra, Celli, Chase, Clark T, Cotta, Cray, Curtis, Eaton, Edgecomb, Fitts, Fletcher, Flood, Gifford, Gilbert, Giles, Greeley, Johnson, Joy, Langley, Legg, MacDonald, McCabe, McLeod, Millett, Nass, Nutting, Peterson, Pieh, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Robinson, Rosen, Sarty, Saviello, Schatz, Sirois, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tilton, Willette.

ABSENT - Crockett J, Cushing, Lewin, Morrison, Russell, Tuttle.

Yes, 90; No, 55; Absent, 6; Excused, 0.

90 having voted in the affirmative and 55 voted in the negative, with 6 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Prevent and Treat Cancer in Maine by Implementing Critical Portions of the Comprehensive Cancer Program"

(H.P. 637) (L.D. 919)

Signed:

Senators:

PERRY of Penobscot
BLISS of Cumberland
NASS of York

Representatives:

WATSON of Bath
BRYANT of Windham
LANGLEY of Ellsworth
FLEMINGS of Bar Harbor
CROCKETT of Augusta

PILON of Saco
VALENTINO of Saco
KNIGHT of Livermore Falls
SIROIS of Turner

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-510)** on same Bill.

Signed:
Representative:
CHASE of Wells

READ.

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

Eight Members of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-508)** on Resolve, Regarding Legislative Review of Portions of Chapter 22: Standards for Outdoor Application of Pesticides by Powered Equipment in Order To Minimize Off-target Deposition, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control (EMERGENCY) (H.P. 349) (L.D. 494)

Signed:
Senators:
NUTTING of Androscoggin
BRYANT of Oxford
SHERMAN of Aroostook

Representatives:
PIEH of Bremen
SMITH of Monmouth
PERCY of Phippsburg
McCABE of Skowhegan
CRAY of Palmyra

Three Members of the same Committee report in Report "B" **Ought to Pass** on same Resolve.

Signed:
Representatives:
PRATT of Eddington
KENT of Woolwich
O'BRIEN of Lincolnville

Two Members of the same Committee report in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (H-509)** on same Resolve.

Signed:
Representatives:
EDGECOMB of Caribou
GIFFORD of Lincoln

READ.

On motion of Representative PIEH of Bremen, Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-508)** 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-508)** and sent for concurrence.

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

Ten Members of the Committee on **JUDICIARY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-503)** on Bill "An Act To Enact the Uniform Prudent Management of Institutional Funds Act" (H.P. 981) (L.D. 1402)

Signed:
Senators:
BLISS of Cumberland
HOBBINS of York
HASTINGS of Oxford

Representatives:
PRIEST of Brunswick
BRYANT of Windham
DILL of Cape Elizabeth
KRUGER of Thomaston
NASS of Acton
BEAULIEU of Auburn
CROCKETT of Bethel

Two Members of the same Committee report in Report "B" **Ought Not to Pass** on same Bill.

Signed:
Representatives:
CLEARY of Houlton
STEVENS of Bangor

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (H-504)** on same Bill.

Signed:
Representative:
HILL of York

Representative MITCHELL of the Penobscot Nation - of the House - supports Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-503)**.

READ.

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

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

Eleven Members of the Joint Select Committee on **MAINE'S ENERGY FUTURE** report in Report "A" **Ought to Pass pursuant to Joint Order 2009, H.P. 63** on Bill "An Act Regarding Maine's Energy Future" (H.P. 1038) (L.D. 1485)

Signed:
Senators:
BARTLETT of Cumberland
PERRY of Penobscot

SIMPSON of Androscoggin

Representatives:

EBERLE of South Portland
 CAREY of Lewiston
 MARTIN of Eagle Lake
 TREAT of Hallowell
 ADAMS of Portland
 SMITH of Monmouth
 HINCK of Portland
 CELLI of Brewer

Five Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "A" (H-505) pursuant to Joint Order 2009, H.P. 63** on same Bill.

Signed:

Senators:

RECTOR of Knox
 SMITH of Piscataquis

Representatives:

TILTON of Harrington
 FLETCHER of Winslow
 GILES of Belfast

One Member of the same Committee reports in Report "C" **Ought Not to Pass pursuant to Joint Order 2009, H.P. 63** on same Bill.

Signed:

Representative:

FITTS of Pittsfield

READ.

Representative MARTIN of Eagle Lake moved to **ACCEPT** Report "B" **Ought to Pass as Amended by Committee Amendment "A" (H-505) pursuant to Joint Order 2009, H.P. 63.**

On further motion of the same Representative **TABLED** pending his motion to **ACCEPT** Report "B" **Ought to Pass as Amended by Committee Amendment "A" (H-505) pursuant to Joint Order 2009, H.P. 63.**

ENACTORS

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce the Size of the Legislature

(H.P. 123) (L.D. 144)
 (H. "A" H-252 to C. "A" H-135)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being a Constitutional Amendment, a two-thirds vote of the House being necessary, a total was taken. 89 voted in favor of the same and 54 against, and accordingly the Resolution **FAILED FINAL PASSAGE**, sent to the Senate.

Emergency Measure

An Act To Amend Provisions of the Submerged Lands Law
 (H.P. 926) (L.D. 1322)
 (C. "A" H-428)

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. 133 voted in favor of the same and

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

Emergency Measure

An Act To Protect Maine Citizens and Franchised New Motor Vehicle Dealers

(S.P. 483) (L.D. 1337)
 (C. "A" S-262)

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. 136 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 Regarding the Pay of Tribal Representatives

(S.P. 512) (L.D. 1428)
 (C. "A" S-256)

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

Emergency Measure

Resolve, Relating to a Review of International Trade Agreements and the Management of Groundwater Resources

(H.P. 913) (L.D. 1310)
 (C. "A" H-434)

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

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

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

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

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

ROLL CALL NO. 179

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

NAY - Austin, Ayotte, Beaudette, Beaulieu, Berry, Bickford, Browne W, Burns, Cebra, Celli, Chase, Clark T, Cotta, Crafts, Cray, Crockett J, Curtis, Davis, Edgecomb, Fitts, Flood, Fossel, Gifford, Giles, Greeley, Hamper, Harvell, Johnson, Joy, Knapp, Knight, Langley, McFadden, McKane, McLeod, Millett, Nass,

Nutting, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Robinson, Rosen, Sarty, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tilton, Valentino, Van Wie, Weaver, Willette.

ABSENT - Cushing, Fletcher, Lewin, Morrison, Russell, Saviello.

Yes, 89; No, 56; Absent, 6; Excused, 0.

89 having voted in the affirmative and 56 voted in the negative, with 6 being absent, and accordingly the Resolve **FAILED FINAL PASSAGE**.

On motion of Representative BERRY of Bowdoinham, the House **RECONSIDERED** its action whereby the Resolve **FAILED FINAL PASSAGE**.

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

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions - Increase of Seed Money to \$150,000, a Major Substantive Rule of the Commission on Governmental Ethics and Election Practices

(H.P. 1014) (L.D. 1462)
(C. "A" H-445)

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 1 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Authorizing the Finance Authority of Maine To Oversee an Obligation Owed to the State by Lincoln Paper and Tissue, LLC

(S.P. 552) (L.D. 1477)
(C. "A" S-257)

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. 138 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Expand Access to Oral Health Care
(H.P. 188) (L.D. 234)
(C. "A" H-433)

An Act To Provide Fiscal Information for Citizen Initiatives
(H.P. 189) (L.D. 235)
(C. "A" H-435)

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

An Act To Reimburse Debra Bilodeau for Her Expenses Incurred in Connection with Her Petition for Appointment as a Foster Parent
(H.P. 275) (L.D. 368)
(C. "A" H-347)

An Act To Amend the Laws Concerning Licensure Qualifications of Independent Practice Dental Hygienists
(H.P. 309) (L.D. 421)
(C. "A" H-326)

An Act To Require State-owned Solid Waste Disposal Facilities To Demonstrate a Public Benefit
(H.P. 518) (L.D. 759)

An Act to Enhance Fund-raising Opportunities by Certain Nonprofit Organizations
(H.P. 567) (L.D. 831)
(H. "A" H-450 to C. "A" H-389)

An Act To Update and Clarify Statutes Related to or Administered by the Department of Public Safety
(H.P. 633) (L.D. 915)
(C. "A" H-357)

An Act To Provide a Waiver of the Tuition Remaining after the Application of Federal Department of Veterans Affairs Payments to Veterans Eligible for Benefits under the Post-9/11 Veterans Educational Assistance Act of 2008
(H.P. 752) (L.D. 1090)
(C. "A" H-372; H. "A" H-421)

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

An Act Relating to Industrial Hemp
(H.P. 798) (L.D. 1159)
(C. "A" H-356)

An Act To Improve the Maine Clean Election Act
(S.P. 445) (L.D. 1197)
(S. "A" S-246 to C. "A" S-214)

An Act To Repeal Inactive Boards and Commissions
(H.P. 873) (L.D. 1254)
(C. "A" H-328; H. "A" H-331)

An Act To Amend Certain Laws Related to the Department of Agriculture, Food and Rural Resources
(H.P. 874) (L.D. 1255)
(H. "A" H-454 to C. "A" H-440)

An Act To Establish and Promote Statewide Collaboration and Coordination in Public Health Activities and To Enact a Universal Wellness Initiative
(H.P. 953) (L.D. 1363)
(C. "A" H-407; H. "A" H-436)

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

An Act To Transfer the Seed Potato Board to the Maine Potato Board
(H.P. 982) (L.D. 1406)
(C. "A" H-441)

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

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

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

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

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, Authorizing the Joint Standing Committee on Legal and Veterans Affairs To Report Out Legislation Regarding the Expansion of Slot Machine and Casino-style Gambling

(H.P. 378) (L.D. 533)
(C. "A" H-391)

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 Raise the Property Tax Exemption for Veterans

(H.P. 60) (L.D. 71)
(C. "A" H-424)

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. 180

YEA - Adams, Austin, Ayotte, Beaudette, Beaudoin, Beaulieu, Beck, Berry, Bickford, Blanchard, Blodgett, Boland, Bolduc, Briggs, Burns, Campbell, Casavant, Cebra, Celli, Chase, Clark H, Clark T, Cleary, Cohen, Cornell du Houx, Cotta, Crafts, Cray, Crockett J, Crockett P, Curtis, Davis, Dill, Dostie, Driscoll, Duchesne, Eaton, Edgecomb, Eves, Finch, Fitts, Flaherty, Flemings, Fletcher, Flood, Fossel, Gifford, Gilbert, Giles, Goode, Greeley, Hamper, Hanley, Harlow, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Johnson, Jones, Joy, Kaenrath, Kent, Knapp, Knight, Kruger, Lajoie, Langley, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McFadden, McKane, McLeod, Millett, Morrison, Nass, Nelson, Nutting, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rankin, Richardson D, Richardson W, Robinson, Rosen, Russell, Sanborn, Sarty, Saviello, Schatz, Shaw, Sirois, Smith, Stevens, Strang Burgess, Sutherland, Tardy, Theriault, Thibodeau, Thomas, Tilton, Treat, Trinward, Tuttle, Van Wie, Wagner J, Wagner R, Watson, Weaver, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Bryant, Butterfield, Cain, Carey, Connor, Eberle, Miller, Pilon, Rotundo, Stuckey, Valentino.

ABSENT - Browne W, Cushing, Lewin, Sykes.

Yes, 136; No, 11; Absent, 4; Excused, 0.

136 having voted in the affirmative and 11 voted in the negative, with 4 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Protect the Right To Use Solar Energy

(H.P. 62) (L.D. 73)
(C. "A" H-370)

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. 181

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

NAY - Austin, Ayotte, Beaulieu, Bickford, Blodgett, Burns, Campbell, Carey, Cebra, Chase, Clark T, Cleary, Cotta, Crafts, Cray, Crockett J, Curtis, Davis, Dostie, Edgecomb, Fitts, Fletcher, Flood, Fossel, Gilbert, Giles, Greeley, Hamper, Hanley, Harvell, Hill, Johnson, Joy, Knapp, Knight, McFadden, McKane, McLeod, Nelson, Nutting, Pilon, Pinkham, Prescott, Richardson D, Richardson W, Robinson, Rosen, Sarty, Saviello, Schatz, Shaw, Sirois, Sykes, Tardy, Thibodeau, Thomas, Tilton, Weaver.

ABSENT - Briggs, Browne W, Cushing, Lewin.

Yes, 89; No, 58; Absent, 4; Excused, 0.

89 having voted in the affirmative and 58 voted in the negative, with 4 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Create a Moratorium on the Open-air Production of Genetically Engineered Pharmaceutical Crops in Maine

(H.P. 491) (L.D. 708)
(C. "A" H-386)

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. 182

YEA - Adams, Beaudette, Beaudoin, Beck, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Butterfield, Cain, Campbell, Carey, Casavant, Clark H, Cleary, Cohen, Connor, Cornell du Houx, Crockett P, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Eves, Finch, Flaherty, Flemings, Flood, Fossel, Gilbert, Goode, Hanley, Harlow, Harvell, Haskell, Hayes, Hill, Hinck, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Kruger, Lajoie,

Langley, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McKane, Miller, Morrison, Nelson, O'Brien, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Piotti, Pratt, Priest, Rankin, Rotundo, Sanborn, Saviello, Schatz, Shaw, Sirois, Smith, Stevens, Stuckey, Sutherland, Theriault, Thibodeau, Treat, Trinward, Tuttle, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Wheeler, Wright, Madam Speaker.

NAY - Austin, Ayotte, Beaulieu, Bickford, Burns, Cebra, Celli, Chase, Clark T, Cotta, Crafts, Cray, Crockett J, Curtis, Davis, Edgecomb, Fitts, Fletcher, Gifford, Giles, Greeley, Hamper, Johnson, Joy, Knapp, Knight, McFadden, McLeod, Millett, Nass, Nutting, Peterson, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Robinson, Rosen, Sarty, Strang Burgess, Sykes, Tardy, Thomas, Tilton, Valentino, Weaver, Willette.

ABSENT - Browne W, Cushing, Hogan, Lewin, Russell.

Yes, 98; No, 48; Absent, 5; Excused, 0.

98 having voted in the affirmative and 48 voted in the negative, with 5 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Increase Consumer Choice for Wine

(H.P. 696) (L.D. 1008)

(C. "A" H-366)

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

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

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

An Act To Amend the Maine Clean Election Laws Governing Gubernatorial Candidates

(H.P. 970) (L.D. 1380)

(C. "A" H-429)

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

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

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

On motion of Representative PIEH of Bremen, the House **RECONSIDERED** its action whereby Bill "An Act To Amend Certain Laws Related to the Department of Agriculture, Food and Rural Resources"

(H.P. 874) (L.D. 1255)

(H. "A" H-454 to C. "A" H-440)

Was **PASSED TO BE ENACTED**.

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

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (11) **Ought to Pass as Amended by Committee Amendment "A" (H-281)** - Minority (2) **Ought Not to Pass** - Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act Regarding Alcoholic Beverage Tastings"

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

TABLED - May 18, 2009 (Till Later Today) by Representative TRINWARD of Waterville.

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

On motion of Representative PIOTTI of Unity, **TABLED** pending the motion of Representative TRINWARD of Waterville to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

SENATE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (S-202)** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Clarifying the Manner in Which a Person's Alcohol Level is Determined under Maine Law"

(S.P. 532) (L.D. 1447)

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-202)**.

TABLED - May 28, 2009 (Till Later Today) by Representative HASKELL of Portland.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT**.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-202)** was **READ** by the Clerk.

Representative HASKELL of Portland **PRESENTED House Amendment "A" (H-521)** to **Committee Amendment "A" (S-202)**, which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-202) as Amended by **House Amendment "A" (H-521)** thereto was **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-202) as Amended by House Amendment "A" (H-521)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-451)** - Committee on **NATURAL RESOURCES** on Bill "An Act To Improve Landfill Capacity"

(H.P. 519) (L.D. 760)

TABLED - June 1, 2009 (Till Later Today) by Representative MARTIN of Eagle Lake.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT**.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-451)** was **READ** by the Clerk.

Representative DUCHESNE of Hudson **PRESENTED House Amendment "B" (H-520)** to **Committee Amendment "A" (H-451)**, which was **READ** by the Clerk.

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

Representative **DUCHESNE**: Thank you, Madam Speaker. Just briefly, this is a bipartisan effort to have a study made about some expansion of some private landfills in this state. Originally the committee report was that we should just go ahead and expand. We're going to include a little more public process and bring this back next year. Thank you, Madam Speaker.

Subsequently, **House Amendment "B" (H-520)** to **Committee Amendment "A" (H-451)** was **ADOPTED**.

Committee Amendment "A" (H-451) as Amended by **House Amendment "B" (H-520)** thereto was **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-451)** as Amended by **House Amendment "B" (H-520)** thereto and sent for concurrence. **ORDERED SENT FORTHWITH**.

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)

TABLED - June 1, 2009 (Till Later Today) by Representative BERRY of Bowdoinham.

PENDING - **PASSAGE TO BE ENGROSSED**.

On motion of Representative HARLOW of Portland, **TABLED** pending **PASSAGE TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-438)** and later today assigned.

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-496)** - Minority (5) **Ought to Pass as Amended by Committee Amendment "B" (H-497)** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Maine Certificate of Need Act of 2002" (EMERGENCY)

(H.P. 974) (L.D. 1395)

TABLED - June 2, 2009 (Till Later Today) by Representative PERRY of Calais.

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

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

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

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

ROLL CALL NO. 183

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

Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Wagner J, Wagner R, Watson, Weaver, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Austin, Ayotte, Beaulieu, Beck, Bickford, Burns, Cebra, Chase, Clark H, Clark T, Connor, Cotta, Crafts, Cray, Crockett J, Curtis, Davis, Edgecomb, Eves, Fitts, Fletcher, Flood, Fossel, Gifford, Giles, Greeley, Hamper, Harvell, Johnson, Joy, Knapp, Knight, Langley, McFadden, McKane, McLeod, Millett, Nass, Nelson, Nutting, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Robinson, Rosen, Sanborn, Sarty, Saviello, Shaw, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tilton.

ABSENT - Browne W, Cohen, Cushing, Hayes, Hogan, Lewin, Van Wie.

Yes, 87; No, 57; Absent, 7; Excused, 0.

87 having voted in the affirmative and 57 voted in the negative, with 7 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-496)** 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-496)** and sent for concurrence. **ORDERED SENT FORTHWITH**.

SENATE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (S-195)** - Minority (4) **Ought to Pass as Amended by Committee Amendment "B" (S-196)** - Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Resolve, To Examine Environmental Effects of the Dual Recovery System for Beverage Containers

(S.P. 270) (L.D. 733)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-195) AS AMENDED BY SENATE AMENDMENT "A" (S-284)** thereto.

TABLED - June 2, 2009 (Till Later Today) by Representative SMITH of Monmouth.

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

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

The Resolve was **READ ONCE**. **Committee Amendment "A" (S-195)** was **READ** by the Clerk.

Senate Amendment "A" (S-284) to **Committee Amendment "A" (S-195)** was **READ** and **ADOPTED**.

Committee Amendment "A" (S-195) as Amended by **Senate Amendment "A" (S-284)** thereto **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" (S-195)** as Amended by **Senate Amendment "A" (S-284)** thereto in concurrence. **ORDERED SENT FORTHWITH**.

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

Representative **BRIGGS**: Thank you, Madam Speaker. Had I been available for Item 10-9, I would have voted yea. Thank you.

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

The House recessed until 2:30 p.m.

(After Recess)

The House was called to order by the Speaker.

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

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

An Act To Increase Consumer Choice for Wine
(H.P. 696) (L.D. 1008)
(C. "A" H-366)

Which was **TABLED** by Representative TRINWARD of Waterville pending **PASSAGE TO BE ENACTED**.

On motion of Representative WALSH INNES of Yarmouth, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-366)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-526)** to **Committee Amendment "A" (H-366)** which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Walsh Innes.

Representative **WALSH INNES**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. This amendment changes the requirements for delivery in three ways: It removes the requirement that the common carrier be approved by the bureau and the Department of Public Safety, responsible for enforcing the liquor laws. Number two, it requires the shipment to be accompanied by a shipping label instead of an invoice that indicates the name of the shipper and the name and the address of the recipient. Finally, number three, it requires the common carrier to obtain the signature of a person who is at least 21 years of age and photographic identification prior to delivering the shipment. The committee amendment allowed the shipment to be delivered only to the recipient. Thank you very much.

Subsequently, **House Amendment "A" (H-526)** to **Committee Amendment "A" (H-366)** was **ADOPTED**.

Committee Amendment "A" (H-366) as Amended by **House Amendment "A" (H-526)** thereto was **ADOPTED**.

Representative BERRY of Bowdoinham **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-366)** as Amended by **House Amendment "A" (H-526)** thereto.

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 Engrossed as Amended by Committee Amendment "A" (H-366) as Amended by House Amendment "A" (H-526) thereto. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 184

YEA - Austin, Ayotte, Beaudoin, Beaulieu, Beck, Berry, Blodgett, Bolduc, Browne W, Bryant, Butterfield, Cain, Campbell, Casavant, Celli, Chase, Clark H, Clark T, Cleary, Cohen, Connor, Cornell du Houx, Crockett J, Davis, Dostie, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Eves, Fitts, Flemings, Fletcher, Fossel, Gifford, Gilbert, Giles, Goode, Greeley, Hamper, Hanley, Harvell, Haskell, Hayes, Hinck, Hunt, Innes Walsh, Johnson, Kaenrath, Kent, Knapp, Knight, Lajoie, Langley, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McFadden, McKane, McLeod, Miller, Millett, Morrison, Nass, Nelson, Nutting, O'Brien, Pendleton, Peoples, Percy, Peterson, Pieh, Pinkham, Piotti, Plummer, Priest, Rankin, Richardson D, Richardson W, Robinson, Rosen, Russell, Sanborn, Sarty, Saviello, Schatz, Shaw, Sirois, Stevens, Strang Burgess, Sutherland, Sykes, Tardy, Thibodeau, Thomas, Tilton, Treat, Van Wie, Wagner R, Watson, Weaver, Welsh, Wheeler, Willette, Madam Speaker.

NAY - Adams, Beaudette, Blanchard, Boland, Briggs, Burns, Carey, Crafts, Crockett P, Curtis, Finch, Flaherty, Flood, Harlow, Hill, Hogan, Joy, Kruger, Perry, Pilon, Pratt, Rotundo, Stuckey, Theriault, Trinward, Tuttle, Valentino, Wagner J, Webster, Wright.

ABSENT - Bickford, Cebra, Cotta, Cray, Cushing, Dill, Jones, Lewin, Prescott, Smith.

Yes, 111; No, 30; Absent, 10; Excused, 0.

111 having voted in the affirmative and 30 voted in the negative, with 10 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-366)** as Amended by **House Amendment "A" (H-526)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

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)

Which was **TABLED** by Representative HARLOW of Portland pending **PASSAGE TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-438)**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-438)** and sent for 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 yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

SENATE DIVIDED REPORT - Report "A" (9) **Ought to Pass as Amended by Committee Amendment "A" (S-252)** - Report "B" (3) **Ought Not to Pass** - Report "C" (1) **Ought to Pass as Amended by Committee Amendment "B" (S-253)** - Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Authorize the Annexation of a Portion of Redington Township in Franklin County to the Town of Carrabassett Valley" (EMERGENCY)

(S.P. 288) (L.D. 741)

- In Senate, Report "B" **OUGHT NOT TO PASS READ and ACCEPTED.**

TABLED - June 2, 2009 (Till Later Today) by Representative BEAUDETTE of Biddeford.

PENDING - Motion of same Representative to **ACCEPT** Report "B" **OUGHT NOT TO PASS.** (Roll Call Ordered)

Subsequently, Representative EATON of Sullivan **WITHDREW** his **REQUEST** for a roll call.

Subsequently, Report "B" **Ought Not to Pass** was **ACCEPTED** in concurrence. **ORDERED SENT FORTHWITH.**

HOUSE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-352)** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend the Laws Governing the Consolidation of School Administrative Units To Delay All Penalties for 2 Years"

(H.P. 225) (L.D. 285)

TABLED - May 27, 2009 (Till Later Today) by Representative SUTHERLAND of Chapman.

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

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

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

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

Representative **SUTHERLAND**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. LD 285 is one of about 40 pieces of legislation that were placed before the Education and Cultural Affairs Committee this session attempting to fix something that various parts of the states had issues with regarding the school reorganization. Most of those were carried over in one or two bills and killed. This particular piece of legislation was also amended so that it would delay so-called penalties per one year for nonconforming units. There were choices that were given to communities in dealing with reorganization. And I want to say up front that, in my particular district, I have four school units, two of which have submitted alternative plans and have reorganized and pretty much the way they were, two others are in the nonconforming category, so I understand the issues from both sides. I just want to put it out to you today exactly what we are looking at and there are different ways of looking. All the school districts were provided with numbers that would indicate what the penalty amount would be should they choose not to attempt to plan and not move forward

with reorganization. Some communities voted no, knowing full well what the cost would be, but they had various reasons. Some tried and it didn't work, some chose not to do it. Other communities chose to reorganize because of the penalties; they didn't want to have to pay them, and others had enough student population so they didn't have to really restructure. After the penalty dollars were identified, there are those reorganized units, about 98 or 99, who reconfigured into 26 school units that were told they could have some of this so-called penalty money to help with their transition costs, whether they were legal costs, costs in looking at contractual agreements, maybe it was an mundane and important as painting the new name on school buses, all of which cost money. The committee, when we got together in January and February and began addressing the problem, was concerned that dollars might be expended throughout those reconfigured and not so reconfigured units and maybe not always in the best interest of what was going forward, knowing that there was a repeal initiative coming. So we chose to put that money away until January. It is parked in what the Appropriations Committee refers to as "the penalty box" so that none of the money has been expended. However, we did feel it was appropriate to give this school communities, who were facing the penalty issue, and opportunity to bring forward a piece of legislation. I won't go into competing measures because you've heard me talk about that before. Since there is a repeal initiative moving forward, it is important that we have, if any measure is going to pass, it not be passed as a competing measure to go on the ballot. So we chose from the committee to put LD 285 before you, and we amended it so that it would provide for a one year delay in the penalty piece, and that's what we're putting before you today. There are about 107 school units that are faced with a penalty. You have seen a list of them, and I think one just floated by here just very recently. There were a number of other school units that were faced with a penalty and we passed some legislation to correct that, because they had voted yes, and that was addressed. So we're talking about a little bit over \$5 million in penalty money that has been put away for this Legislature's use down the road, hasn't been expended. Your choice is to, with this bill, extend, push back that penalty period for a year. There are a number of school units that are currently trying to work together to come up with an alternative plan. They simply will not have it in place by July 1, which is the critical date. That's where we are with this bill, and I thank you very much for your time.

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

Representative **LOVEJOY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise for the first time as a freshman legislator because of this bill, and I have to say that my district does not have any stake in this. We weren't subject to penalties; we weren't expecting to get any penalties. However, I think it's important to realize that each community that is subject to a penalty voted no on consolidation. This is not a case of having voted for it and been abandoned.

Our committee, I was on the Majority Ought Not to Pass, and our committee looked at this very closely. It was not an easy decision. I truly believe small schools are better for students, but they're also more expensive. What these communities have voted, to keep their schools, keep their administration as it was, they made a choice knowing there were penalties out there. Do I think consolidation is perfect? Absolutely not; however, the rules were set, I don't think we should change them in the middle of the game, so I will be voting against this measure. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Waterford, Representative Millett.

Representative **MILLETT**: Thank you, Madam Speaker. May I pose a question through the Chair to the chair of the Education and Cultural Affairs Committee?

The SPEAKER: The Representative may pose his question.

Representative **MILLETT**: Thank you, Madam Speaker. I appreciate the clarity, and I think the Representative from Portland has followed up on the characterization of the multiple groups that are impacted by that parking lot \$5.3 million that sits in GPA, pending distribution next January. I wonder if you might tell us, in very direct terms, of the four groups that I heard you talk about—namely the 107 units that voted no, the 17 units that voted yes but their partners voted no, and the 96 units that conformed one way or another, and potentially the fourth group of entities or units that might, between now and January, achieve some AOS or other form of consolidation—under current law, to which of the four groups would the penalty box moneys go to, and under the assumption that this Minority report were to be enacted, to which units would the money flow under that circumstance? So we can get a clear picture of who are the intended beneficiaries today, and who would be the intended recipients of the money were this Minority Report to be accepted.

The SPEAKER: The Representative from Waterford, Representative Millett has posed a question through the Chair to the chair of the Education and Cultural Affairs Committee, the Representative from Chapman, Representative Sutherland. The Chair recognizes that Representative.

Representative **SUTHERLAND**: Thank you, Madam Speaker. In the absence of the good chair from Orono, from the Appropriations Committee, I will give it my best shot. The Education and Cultural Affairs Committee will have to deal with this in January. If the penalty is delayed until July 1, 2010, there would be no penalty dollars in the penalty box. Again, that money has been set aside until January. The committee would have to, and somebody may correct me and feel free to do so, my understanding is that the penalty money that has been identified would have to be redistributed to those 107 school units from whom it came. There would be no penalties if this bill were to move forward, if it is passed. If it does not pass, the committee would have to address, in January, for distribution of the those penalty funds. There were various options presented, which is why we asked that they be placed and parked in a fund, because, bottom line, the intent of the committee was and their goal was that these were very critical dollars to educate the children of the State of Maine and our public schools, and they needed to be used in the best possible manner. Sitting in a penalty box probably is not in the best possible manner, but we have issues that we have to deal with before that. I would not expect that those schools, those school units that have already, that were reconfigured because they've met the guidelines and the enrollment minimums, I would not expect that those units would be in line to get some of the dollars. I would expect that the money would be distributed, would be available to help with legal and transition costs for those units who have already been able to reconfigure into those 26 groups, as well as being available to help others moving forward. There was no intent that this process would stop. School units are being encouraged to keep on working towards a consolidation model; however, there was that deadline date of July 1, 2009. They would still be moving forward, and I think it would be up to this Legislature to fully decide how far those dollars could be distributed to help all of those school groups in transition. It is an expensive proposition. I hope that answers at least partially the question that was placed before me, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Greenville, Representative Johnson.

Representative **JOHNSON**: Thank you, Madam Speaker. I'd like to thank my esteemed colleague from the Education Committee for putting forward the Minority Report. This consolidation effort has been difficult from the beginning. It was poorly conceived, hastily implemented, little thought for the untold, the unintended consequences. So the question becomes what do we do now, and we've heard the argument from one that the participants in this knew what the penalties would be and knew approximately what the penalties would be, and they voted in their best interest. I guess my point of view is that if you hold a gun to somebody's head and tell them they have to do something, then they'll do it, sometimes. It's inconceivable to me that we're going to tell people to go through an excruciating process and make a decision on what's best for the education of their students and then penalize them for doing that, so I very much favor the Minority Report.

Right now, we have at least over 100 communities that are affected, somewhere in the neighborhood of 30,000 students that will be affected. As the chair of the Education and Cultural Affairs Committee pointed out, there was no provision in the law for what would happen to those penalties, so that is an open ballgame. That will have to be decided in January. We have towns from Guilford to Machias, Eastport to Pownal, Fayetteville to Vassalboro, and Brownville to Bethel that are suffering under this penalty, and I think we should vote the Minority Report on this issue. Thank you.

The SPEAKER: The Chair recognizes the Representative from Dennysville, Representative McFadden.

Representative **McFADDEN**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. According to Webster, a penalty is a sum of money assessed for an offense. Why is there an offense when the Democratic vote favors the best education for students and a necessity for the welfare of the town? Now there are 143 nonconforming units subject to be penalized for noncompliance with a flawed law. According to the DOE website, there are 23 units in one CSD with penalties greater than the state adjusted share of GPA, according to line sixty on the 2009-2010 279s. The 279s are the sheets that go out to the superintendents that tell them what they get in an ESP. When the penalty is greater than the state GPA to a local unit, will it make sense to reorganize when the penalty is the lesser of the two evils?

I want to give you a few examples: For example, the GPA for Jonesport, which is a minimum receiver—and these are minimum receivers I'm talking about mainly—the GPA from the state, the amount they receive is \$15,000; the penalty is \$18,000. The Town of Northfield, in my district, the GPA is \$2,700; the penalty is \$3,000. The Town of Acton, down in the southern end of the state, the GPA is \$168,000 and their penalty is \$185,000. The Town of Blue Hill, GPA is \$66,000; the penalty is \$73,000. Boothbay, CSD, GPA is \$195,000; the penalty is \$217,000. In other towns, Jay has a penalty of \$210,000; Baileyville, \$67,000; Machias, \$47,000; East Machias, \$37,000; in Calais, \$78,000.

Now we're all aware of the cost shifting and the loss of over one half million dollars in GPA in RSU 5. RSU 5 isn't the only cost shift in GPA loser under the new law. Major problems have surfaced in Steuben, Frankfort, Etna, Dixmont and other units around the state, probably too numerous to mention. The local share mill rate for the '09-'10 year is 6.73 mills; it's reduced to 6.37 mills, when the federal ARRA Stabilization Funds are included in the state share of GPA. Now the 6.37 mills, which include the stimulus funds, are increased locally for nonconforming units, which might possibly be an unlawful maneuver by DOE. Can penalties be assessed on stimulus funds? That's what's happening, according to the printouts. We,

the Legislature, can correct this mess by delaying all penalties for one year to permit units to have ample time to do the right thing for the students. Now over 70 percent of the House members represent either a penalized or a cost shifting unit, and there are 185 towns in depressed areas of the state where these penalties are taking effect. We certainly need to vote Ought to Pass as Amended on LD 285. Thank you, Madam Speaker.

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, too, just want to rise to give my support to this amendment. This is a very or this was a very convoluted and a very complicated process that was hoisted onto all the towns of this state, and, as many of you do, I have a list here of 185 small towns that have voted or passed resolves to support this amendment, and there's a reason for that. When you are left with absolutely no choices but to lose, no matter which option you accept, it's a very difficult process for our small towns, and that's what happened in our small towns. If you went with consolidation, it was going to cost money; if you chose not to go with consolidation, it was going to cost money; and if you tried to find a compromise and could not, then you still fell into that same category.

In my communities that I represent, there are 11 small schools that have banded together under one superintendent, and it saved us \$165,000 this year. The penalty was going to \$200,000 for those 11 communities. So you see, you can't win no matter what you do. I heard the statement made by the good representative from Portland, Representative Lovejoy, that a lot of us feel that small schools are better for our kids, but they cost more money. Well someplace in the middle there needs to be some middle ground here where we can get what is best for our children and still not be penalized. It is my understanding that all of the school districts are in the process of doing their budgeting at this point right now, so the penalties would not go into their budget, so they wouldn't expect to get any of these penalties anyway, nor should they, nor should anybody expect to profit from somebody else's misfortune, and that's exactly what this will be if you don't support this, there'll be a misfortune to 185 communities. I'd ask you to support the amendment. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Blue Hill, Representative Schatz.

Representative **SCHATZ**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I rise in support of the pending motion. First of all, I would apologize for some of the paper that I've been responsible for sending across your desk, but I felt it was important to see over 185 units of local government that have taken the time to pass resolutions supporting the postponement of penalties. They asked us to postpone it, not because they feel they made a mistake, but they all worked very hard, for the most part, all worked hard to try to comply with the school consolidation law. As you've probably learned over the months, to comply with that law, if you're a small group of schools, nine, ten, eleven schools, trying to come together to create a business if you will, this is a very daunting task. As you've heard also in the past months, some schools, some RSUs had nothing to do but just change the lettering on their school bus. Others had an almost turnkey operation read to go. But the small schools did not. It is true that there were some that opted to avoid penalties and come together and therefore comply, and as we've found out, some of those schools as experiencing problems and finding that their costs are much higher than they anticipated, and they are experiencing a form of buyers remorse, and I would hope that we take the issue that

they're facing up at a later date, and as quickly as possible, as a matter of fact, and find a remedy for those problems, because schools are just as much a victim as the schools that are not subject to penalties. So I would hope that if you are in that fix yourselves, that you would be a kindred spirit, if you will, and vote to support the pending motion. Thank you very much.

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

Representative **GILBERT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I am voting yes on the motion Ought to Pass as Amended by Committee Amendment "A". As a member of the regional planning committee formed to develop an RSU between the Jay School Department and SAD 36, I could say that we worked hard for more than 18 months to form an RSU. We came to consensus on many difficult items such as debt. Jay was going into the RSU with no debt and SAD 36 was coming in with a debt of \$1.5 million, and Jay, because of its evaluation, was going to be paying 72 percent of that debt that was incurred by that district. We came to an agreement on that. Also, Jay is over EPS, I think it's on 11 items, and that would cost SAD 36 taxpayers quite a bit of money, but we came to consensus on that. Then we looked at how local funding would be paid. Would it be paid by evaluation or by population? If it was by evaluation, Jay would be paying a hefty amount, if it was by population, SAD 36 would be paying a hefty amount. We worked out a combination. After months of discussion, we decided to go by evaluation. In the end, an artificial date was established as a deadline, and that became more important than developing a plan that would work for both school systems. In the end, we lost an opportunity to work out a good solution. The proposed RSU was voted down in Jay by 17 votes. The penalty for Jay will be \$216,000 a year. Now, Ladies and Gentlemen of the House, this could have been avoided if we had been given ample time to work out a palatable plan to present to the voters. This amendment will give us that time. I will be voting yes on the motion and I ask you to do the same.

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

Representative **VAN WIE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Like tens of thousands of other people in the state, I don't like to be in this situation. I'm in favor of consolidation. I think it's a good idea, I think it's necessary, but there is a big difference between a good idea and implementing a good idea. In general, I keep coming back to a strategy of what I call repeal and repair. I'd like a do over. But that's not what this proposal is about. I'm also not in favor of the penalties, so I'm against penalties. But I'm in a tough situation with my district. I represent citizens of RSU 5, where they did everything that they were asked to do and they are finding that their costs are going up significantly, nonetheless. Yes, they have a number of issues to resolve, and many of them would like a one year delay in implementation to give them time to work those out. I actually drafted an amendment, but had not presented it, with the idea of providing that delay to give them time to work it out, but I fear that that itself would be too divisive within the communities and that the legal gymnastics to make that happen, given the situation of the RSU coming on board and the towns having individual districts that are going to go away and all of those issues, make it prohibitive. I think, as their wonderful RSU chair does, many of them are just trying to be hopeful, put their head down and keep working.

It's interesting, because they are in a situation which is entirely predictable. I did a little research and you look at corporate mergers, and there is literature out there that says

about one-third of corporate mergers succeed in achieving their objectives of lowered costs and increased profitability, other things like that, and about two-thirds fail to meet their objectives. So it's not surprising that in a situation of school consolidation, or reorganizations or mergers, that we'd have one-third where their costs might go down, a third where their costs might stay the same, and a third where their costs might actually go up, even though they might achieve their educational objectives, the cost situations are different. In the corporate world, they take a one time charge against earnings, and they put aside the money to cover the extraordinary costs of reworking deeds and contracts and computer systems and moving and severance, and not to mention the time and energy and lost productivity taken away from the business of educating our children.

So here we are, we have a district that's done everything right, and one of the few things that might be available to them, and I say might, would be some help from some of the penalty dollars, because there was no other fund set aside to help them out. With regret, I feel I have to oppose the current amendment, because my district did what they were asked to do and potentially some of those dollars, although I recognize how divisive this is within the state, could or should go to help them out unless we come up with another mechanism. So I'm going to be not supporting the motion. The only way I could support it was if we could give them another year to try to work things out, and I don't really believe we have a mechanism to do that, so I will not be supporting the motion. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Saviello.

Representative **SAVIELLO**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. First, my good friend Representative Schatz, please don't apologize for using paper. For my friend from Portland, I want to just point out to you that this bill that we're dealing with, as many of you know, was a very strongly negotiated, hardly worked, very difficult bill for us to all pass as a budget a couple of years ago. Some of us spent some long hours and a long time trying to fix this. Penalties were put in there, but I don't think with the purpose that we're now dealing with them.

I have two school districts, SAD 9 and SAD 58, and they worked diligently for hours, days, weeks, months to try to come to a plan to consolidate. They, at the end, came out with a vote and both school districts voted against it. Interestingly enough, SAD 9 is not going to be penalized, because they are big enough, they have more than 2,500 students, so they're going to be able to be their own RSU and drive on in forward. SAD 58 will be penalized. Now they met their goal, because as we all talk about, we wanted to reduce administration costs. Well, at the time, their administrative cost was 4.01 percent. They are one hundredth of one percent from being considered a high performing school district, because they did meet all the other requirements as far as test grades, but that .01 percent, one field trip, kept them being there. This year's budget, they are 2.5 percent for administrative costs. They've more than met the goals that we've established as far as this consolidation is concerned. They have some other ideas that they'd like to pursue, but they need some time to do that, because SAD 9 is no longer in the picture. So I don't think we need to penalize them while they try to work through this effort and find out what they need to do. I think they have worked to minimize costs, they've met that requirement, and we need to give them a little bit more time before we penalize them to come up with a new plan. Thank you very much, Madam Speaker.

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

Representative **PERRY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I really want to describe some of the work that has been done in my area. I have three unions who have been talking for at least the last nine years about the possibility of consolidation and how to do that. They have, from the beginning, been working very hard to find ways to do this. The original bill that went out actually made it very difficult for rural schools to solve some of the issues of getting together. There was an amendment that was done last year that did a little bit, but not quite enough. They were not able to completely take care of the issues that had kept the people from really looking at voting at this. All of the towns in those districts voted against the consolidation, not because they haven't been working, not because this discussion has not been going on for awhile, but unfortunately, some of this was so prescriptive it made it very, very difficult for rural schools to solve some of the issues that needed to be solved. So we punish them? We're not asking that this punishment that is set forth be taken away, but that it be delayed, that we allow the work to continue and come up with a resolution.

The other reason I ask this is we are in a recession, and whatever happens, we're going to be hit hard. But I've got a school district in my area that has lost of 350 employees, which is a large portion of their population. They have lost their major property tax donor, because they have been laid off, what might look like permanently. They are dealing with more than just whether they are consolidating or not. This is a town that is looking at a very different property tax base, that is looking at a very different student population. We've got problems that need to be taken care of; it does not mean we shouldn't be working towards it. But I'm asking that we look at this delay, as we are dealing with a recession and a lot of job losses that are affecting a lot of the things that are around the subsidies that we get for schools, and I think we need time to be able to work on it. So I would ask that you vote for this.

The SPEAKER: The Chair recognizes the Representative from Gray, Representative Austin.

Representative **AUSTIN**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise to thank the good sponsor of this bill for his vigilance and perseverance. Many of us, over the last few weeks, have turned to him in this bill as a vehicle that perhaps could help some of our challenges. I represent RSU 5, in the form of three quarters of the Town of Pownal, and had hoped that we could work to bring forth a pause for them in their incredible challenge, as what has been quoted as one of the unique situations in Maine's educational situation. Many, many hardworking citizens in our towns and our school districts have spent countless time and talent to meet this law. For some along the way, this work just has not panned out; it has not gone well for them. I feel that some of them are very discouraged with the hours that they put in, the lack of savings that they found, and always that penalty that is hung over their head. As a body of leadership, we put this law into action, and I feel that these folks are looking to this body of leadership, whether you were with us at the time that this was put into the budget or not, they're looking to us for help. They want to do the people's business for the children; they want to find savings; they want to go forth. They do not want ruined relationships that have been started. In other words, they don't want the divorce that isn't even available to them by the law. I would ask you to please consider supporting this Ought to Pass as Amended and let these folks have some more time to do the good, creative work that I know they're capable of, actually find some savings, and again, go on with the quality product of education for our future. Thank you.

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 will not be a member of the on and on club. I was on the Education Committee for two years while the consolidation was occurring. We weakened the consolidation that was going to come forward. The Chief Executive wanted to create 26 school districts. The idea was to try to balance the budget and that's what we're trying to do now. It was \$135 million in savings if we went to just 26 school districts. As the good Representative from Portland, Representative Lovejoy said, these folks voted for the penalty by voting against consolidation. The thing that I saw that hurt consolidation the utmost was people yelling local control, local control, but they don't want to pay for local control. Efficiencies, schools of 7,000 are supposed to be ideal as far as efficiencies. Under 5,000, efficiency goes down slowly. Under 2,500, it goes down rapidly. From 2,500 to 4,000, it would be 60 school districts in Maine. I didn't think we'd be closing schools, I know we're not going to close schools unless the town wants to do it. Thank you very much for your patience and time.

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

Representative **CELLI**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I don't want to hurt any feelings. I could get up here and say this is the worst legislation I've ever seen in my life, but I won't say that, because I don't want to hurt anyone's feelings, so disregard that. What you have to remember is what I said earlier when this first came up. This is Tammany Hall. This is probably still currently is going on in Chicago. But you're telling the people their vote doesn't count. You know, I used to live in another state, I've been here 16 years, and out of the state, we call this blackmail. You vote the way we want you to or we're going to give you a penalty. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Lincolnville, Representative O'Brien.

Representative **O'BRIEN**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I stand before you in strong support of the motion on the floor. My school district, like many of the school districts who were described by my colleagues here, faces really a lose-lose situation. The members of the school board that I've talked to are really bright people and they really want to make this work, but we need more time to do it.

My three towns in the Five Town CSD face a tremendous financial barrier to reorganization. If we reorganize, our schools will lose a great part of our subsidy. In fact, the total subsidy loss across our towns would exceed the total penalties that will be imposed for not reorganizing. In my district, under our recent projected 6.37 mill rate and 50 percent minimum subsidy for special education, the penalties we face this coming year for not reorganizing will be roughly \$610,000; if we had reorganized we'd see our subsidy drop by \$720,000.

Mike, the numbers guy on our school board, describes the subsidy loss we face as similar to the income tax "marriage penalty." In the high school subsidy computation for our "un-reorganized" Five Town CSD, all five towns receive the standard mill-rate based state subsidy. But under reorganization, Camden's 9-12 student population would be combined with its K-8 population, raising Camden's mill rate cap above its EPS allocation and reducing the subsidy accrued by its high school students to the much smaller minimum subsidy for special education. The same holds for Rockport, leading to a total loss of \$720,000.

Our other concern is that costs might further increase in order to make teacher contracts "consistent." The RPC couldn't offer any significant savings to offset these increases, because our districts came together years ago: MSAD28 and the Five Town CSD share a superintendent and services; Hope, Appleton and Lincolnville share a superintendent and services; and the districts share staff to coordinate curriculum and technology.

In our districts, then, it would cost more to reorganize than to remain separate. Until this substantial subsidy loss is remedied, voting for reorganization will increase our taxes, and there is little chance of passing a reorganization plan.

Furthermore, I would just like to say that I have spoken to some of the other members of this body about my district's predicament and I've heard them say things like, "Oh, well those penalties don't affect my district. Why would I vote to allow districts more time?" I've also spoken to members of this body who struggled to consolidate and are still paying the high costs of managing their newly reorganized districts who have said, "It's the law. Those who don't comply with the law must face the consequences."

Well, I urge you as legislators to think in terms of justice, fairness and the democratic process. This law was shoved down the throats of the good people of rural Maine, and I urge you to think about the concepts of justice and fairness when you vote on this bill, and vote for the pending motion and vote to allow our struggling rural districts more time to comply. Thank you.

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

Representative **KNIGHT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise also in support of the pending motion. The good Representative from Jay pretty well explained our situation. I just want to add a little bit to that. One size, we all know, does not fit all. I am a proponent of consolidation, when the right size is there, and in the case of SAD 36 in Jay, it makes eminent sense. We would be and should be the poster child. As we worked through this process, as my good friend from Jay pointed out, over 18 months, lots of things have happened in the areas of Livermore Falls and Jay, not the least of which you're all familiar, the Wausau Paper Company closing. So we now have loss our economic base, or a good chunk of it. We were without a town manager during this process. We now have one; he came on board three weeks ago. We actually lost our superintendent of schools during the process for personal reasons. We have worked diligently, very hard on this project. I personally voted for it. But again, by a very, very few votes, we lost this vote in Jay and Livermore Falls. We need desperately, the additional time, and I guess the word would be plead and beg those of you who feel that this is not an issue, to give those communities like ours the additional time to make this work. This will work in Jay and Livermore Falls, but we do need the one additional year, please give it to us. Thank you very much.

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. In some ways, I'm of the least likely candidate to stand here before you today in support of this measure, and yet I do so out of a sense of obligation to the state as a whole. The two districts that I represent, one of them was essentially "held harmless" by the school consolidation law that we passed a couple of years ago. It was already big enough; it had its budget cut somewhat, relative to what it might have been. The other needed to do some work and did in fact successfully consolidate. They might be a candidate for some of this transition money, if that money were to

materialize, but Madam Speaker, Men and Women of the House, the earliest that this money could be awarded to that community would be in January, and we have no assurance, at present, that it would be awarded at that time. Even if it were, by then, the budget is in motion, there are only a few months left until next year at this time, and so the delay would only serve to be buy a few months of marginal, at best, transition funding. That \$5 million in the meantime sits there, does nothing for our schools, it does nothing for our children. All it does is increase pressure on the mill rates. You know, a Republican hero of mine, Teddy Roosevelt, once said that 90 percent of wisdom is wisdom in time. I think it is time for us to give time to the schools. I'm a teacher by trade, I've been in education for 20 years, and when I give an assignment that is unclear or it has unrealistic deadlines, and that does happen, I admit, from time to time, usually I can give an extension and the children who have done the work appropriately and handed it in on time have absolutely no resentment for those who needed a little extra time to make sense of the assignment. I think that's what we're talking about, Madam Speaker. I think we should give that extension on the assignment and allow a few months to go by, that might very well go by anyway if we were not to pass this bill. Thank you, Madam Speaker.

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

Representative **SUTHERLAND**: Thank you, Madam Speaker. I'd like to point out a correction for the members of this body. The Minority Report, Ought to Pass as Amended, the amendment was an emergency preamble and that was passed, it was attached to the bill and whether it was a clerical issue, I just want to point out that we are talking, discussing a bill with an emergency preamble. That is the only way we can move a bill, this piece of legislation forward, if you choose that way, otherwise it would not meet the competing measure guidelines which require a minimum of a two-thirds vote, so my apologies. I appreciate one of my colleagues pointing it out to me. It was an oversight on my part to not point that out to you sooner.

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

ROLL CALL NO. 185

YEA - Austin, Ayotte, Beaudette, Beaudoin, Beaulieu, Beck, Berry, Blodgett, Boland, Bolduc, Browne W, Burns, Butterfield, Campbell, Carey, Casavant, Cebra, Celli, Chase, Clark H, Clark T, Cleary, Cornell du Houx, Cotta, Crafts, Crockett J, Crockett P, Curtis, Davis, Dill, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Eves, Finch, Fitts, Flemings, Fletcher, Flood, Fossel, Gifford, Gilbert, Giles, Greeley, Hamper, Hanley, Harvell, Hill, Hogan, Hunt, Innes Walsh, Johnson, Joy, Kaenrath, Kent, Knapp, Knight, Kruger, Lajoie, Langley, MacDonald, Magnan, Martin JL, Mazurek, McCabe, McFadden, McKane, McLeod, Morrison, Nass, Nutting, O'Brien, Pendleton, Peoples, Percy, Perry, Pieh, Pinkham, Pratt, Rankin, Richardson D, Richardson W, Rosen, Russell, Sarty, Saviello, Schatz, Shaw, Sirois, Stevens, Stuckey, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tilton, Trinward, Tuttle, Wagner J, Wagner R, Watson, Weaver, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Adams, Briggs, Bryant, Cain, Cohen, Connor, Dostie, Flaherty, Goode, Harlow, Haskell, Hayes, Hinck, Legg, Lovejoy, Martin JR, Miller, Millett, Nelson, Peterson, Pilon, Plummer, Priest, Robinson, Rotundo, Sanborn, Smith, Strang Burgess, Treat, Valentino, Van Wie, Webster.

ABSENT - Bickford, Blanchard, Cray, Cushing, Jones, Lewin, Piotti, Prescott.

Yes, 111; No, 32; Absent, 8; Excused, 0.

111 having voted in the affirmative and 32 voted in the negative, with 8 being absent, and accordingly the Minority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-352) 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-352)** and sent for concurrence. **ORDERED SENT FORTHWITH.**

HOUSE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-257)** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Repeal the School District Consolidation Laws"

(I.B. 4) (L.D. 977)

TABLED - May 13, 2009 (Till Later Today) by Representative SUTHERLAND of Chapman.

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

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

Representative **SUTHERLAND**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. We have before us a piece of legislation that is a citizen's initiative, and I previously moved the Majority Ought Not to Pass Report and I like to speak to that a little bit.

One of my first reasons for doing that is you've seen the list of the small towns we just addressed previously. Not a whole lot of people, lots of towns. Those people worked very, very hard to collect over 55,000 signatures in order to put their citizen's initiative forward. I suspect that there were very few, if any, paid signature gathers, maybe there were, but they worked very hard in order to gather that number of signatures. Personally, I think they deserve to have this put before the people of the state, which is what they wish to do.

Secondly, I have concerns about the legal ramifications if we repeal this piece of legislation. There would be a whole host of currently legally existing school units that would disappear, because the entire law, this eliminates, repeals all of the law, not just provisions of it. If I use MSAD 43, Rumford, as an example, and they are part of RSU 10 now that includes MSAD 21, Dixfield; MSAD 39, which is Buckfield, Hanover and the Rumford SAD. They have formed an RSU tent. Let's just talk about one community. MSAD 43 in Rumford would have no legal identity, not a new identity, not an old identity, because the old identity was put away when the new one was begun. There would be no elected school board, no superintendent under contract, no school unit budget, no line of credit established, whole lots of other things I don't need to go into. You know, you've all heard all of this. It would create a legal quagmire for our school units around the state. Certainly could work their way out of it, certainly this Legislature could help, or not, in moving some things forward, but it really would create a situation of a morass, if you will, of what do we do now, and it can be done but there would be those months when it would be very difficult, very challenging, and again, whatever issues we adults in this state have around how we're going to run our schools, we must put

number one, at the top of our list, the best possible education that we can provide for the kids in our public schools and as much stability as we can provide for those kids in our public schools. So I would encourage you to support the Majority Report of the committee and move this citizen's initiative the next step forward, which is what they requested when they worked very hard in order to get all of those signatures and put it on a ballot for statewide vote. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Sullivan, Representative Eaton.

Representative **EATON**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. School administrative consolidation is necessary. Flexibility in creating a good, fair law is also necessary. Since passing the budget and this attached consolidation in 2007, our Education Committee and the previous Legislature, in good faith, attempted to modify the legislation, Madam Speaker, to make it more fair, more reasonable for our towns and our small communities. Our legislative efforts to create a more cooperative and less punitive environment have been rejected at virtually every turn. I had been assured by the Department of Education that it would be capable of providing accurate and timely information to the citizens charged with this huge overhaul of their school system and format. Hours of emails, phone calls, sit down discussions with RPC members, superintendents, and facilitators validated my concerns that this law was too broad and too overreaching. We may have saved the state considerable funds, but we did so on the backs of many small communities, and the list is long. In my opinion, this is not real savings when our communities, including many who have complied with the law, are thumped by increased property taxes to support their new RSU. Ask the citizens in my district of Lamoine about school consolidation, but sit down, Madam Speaker, because they're going to give you an earful. Madam Speaker, we're ultimately responsible for this mess. I would rather repeal this measure today and have the elected members of this, the 124th Legislature, involved from the beginning in a new, more respectful effort to consolidate the administration of our schools.

It's been stated there will be no structure; it could create a nightmare, a quagmire. I disagree. We have hundreds of new informed and battle tested people to help us with this process, those folks from the RPCs that worked so diligently at trying to work through this effort. These citizens will help us get to the next step of where we need to go. As a citizen of this state, who has witnessed the commitment and dedication of this legislative body, I believe, with the assistance of those citizens and stakeholders, we can overcome the structural issues before they become a problem, and we can craft new legislation. Madam Speaker, on the evening of April 9th, only 14 short months ago, the 123rd Legislature, this body in the people's House, voted to repeal school consolidation. We voted last April 9th to repeal school consolidation. Madam Speaker, we did it because we knew it wasn't working then, and now it's *deja vu* all over again. For too many of our communities, both conforming and not conforming, it's not working now. It's time for us to stand up and be counted, Madam Speaker. We can do better. Thank you.

The SPEAKER: The Chair recognizes the Representative from Greenville, Representative Johnson.

Representative **JOHNSON**: Thank you, Madam Speaker. Those who know my position know that I concur with Representative Eaton and my purpose in rising now is just to ask for a vote by the yeas and nays.

Representative JOHNSON of Greenville **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 Easton, Representative Clark.

Representative **CLARK**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I just wanted to say that I was one of the people who collected signatures, the 55,000, and I've talked to so many people that did. When we collected, we didn't care how it passed, and we wouldn't mind if we went ahead and took care of this right now, in fact they'd be more than happy.

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

Representative **CELLI**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. The people that got these signatures together, if we were to hand them a victory today and vote this down, they would be doing cartwheels, jumping up and down for joy. They did their hard work, and I don't think we need to send it out to all the communities, which would cost hundreds of thousands of dollars in a ballot, in order to have them repeal that. This Legislature started this fiasco; this Legislature should finish this fiasco. Thank you.

The SPEAKER: The Chair recognizes the Representative from Blue Hill, Representative Schatz.

Representative **SCHATZ**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I'm not one to push envelopes, I'm a happy person right now; however, I do think that, as the good Representative from wherever he is, my good friend Representative Eaton from Sullivan, I knew that, has indicated, this is an item that's been before us a number of times, well once in particular, but it's been the topic of conversation for basically three years now. I think that we should look at this as a vote of confidence, or lack of it if nothing else, and it's an opportunity to so that. Should we be able to overturn it, I think that to repeal consolidation, I think it would at least start the wheels moving for the kind of difficult chore that we might be faced with to undo some of the legal relationships, but I think that it will all be done with the focus on the education of our children. As we often point out, these conversations seem to lack that as a topic. I think the sooner we dispose of this, then the sooner we can talk about the quality of education and what's the best learning environment and how we get there, and so I would support the repeal at this point in time again. Thank you.

The SPEAKER: The Chair recognizes the Representative from Dennysville, Representative McFadden.

Representative **McFADDEN**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. We need to look at repeal very carefully. As reorganization stands today, we still have that 143 nonconforming units. We have 24 reorganized units in 53 districts that were exempt from the law in the first place. Nothing happens to the 53 districts exempt from the law. The 24 reorganized districts, if they are saving money and happy of their efforts, which I know some are not, they would be back to square one, but they would use the same format and not be threatened if they saw they'd really save money in wanting to reorganize. It would not be, you reorganize or it will cost you. We all know what the cost is. The 144 noncompliant units would be the same as they are today. GPA was reduced by \$36.5 million, which was enacted in the last Biennial Budget, and districts needed to find the best way to adjust to the loss of state funding. Taxes had to be increased and layoffs followed. Administration was cut by 50 percent, lost Special Ed, transportation, and maintenance was cut by 5 percent. There is nothing in the law that creates a savings; it is merely a shift in

spending from the state to local taxes. The Sinclair Act in 1957 awarded a 10 percent bonus to form a new SAD. There is nothing in the law that penalized any unit. This was a democratic process. Our new undemocratic law, mandated from the top down, is very detrimental to our democratic process. Let's vote to repeal LD 977 and begin at the local level for proper citizen input and figure out the best way to consolidate and save real money statewide. I recommend you vote against the pending motion. Thank you, Madam Speaker.

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

Representative **MacDONALD**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise in opposition to the Ought Not to Pass motion. This school consolidation process has been bad and confusing public policy from the beginning that was supposed to be about the consolidation of administrative functions, and it swept into it everything from school committees to teacher contracts, and I believe it had the effect and has the effect of taking away from local people their involvement in local, civil life, which often centers around local schools and local school politics, and took away from those local communities, removing that emphasis and that activity to a more remote level. That was primarily why I was against this bill from the beginning, because I didn't think that we should be doing anything that would remove, from our small towns and their citizens, that ability to be a part of local, public life, which this I think diminished and still will diminish if it continues on. I think the best route for us is to repeal this law and to move back and then take another look at how we could make administrative savings without diminishing the local involvement, the local ownership, the local involvement in the life of the public schools. I think that if we do repeal it, Madam Speaker, you yourself have pointed out in our own caucus that, if we do repeal it, we won't create a quagmire; we'll create a situation in which you will then have further work to do. Our Constitution, as you pointed out, says that if any change we make has a fiscal impact that we then have the period of time, after we make that change to come back in, and make the necessary changes to adjust. So we can do that if we repeal. We will have the proper time to adjust, come back, fix the situation and move forward with a totally different time of approach towards consolidating public education in our state. I don't think we'll create any more of quagmire than we created when we did this in the beginning. I urge you to reject the Majority Ought Not to Pass Report and repeal school consolidation. Thank you, Madam Speaker.

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

Representative **VAN WIE**: Thank you, Madam Speaker. Again, I rise torn. I think we're actually in a situation where we are going to be jumping out of the quicksand into the quagmire either way. As I mentioned before, I'd like to get on with the business of consolidation and I'd like to do it right, and if I vote in favor of the motion, we put it on to November, I fear that it can be perceived that I'm disrespecting the hard work that my RSU folks have done, and I certainly don't want to do that. I believe that they have done everything that was asked of them. Obviously, there are many agendas out there, but it is important that we try to do this right, and no matter what we do, there are 24 districts that are going to need immediate legal attention. We're going to have to allow them to write new law to allow them to exist, or to allow them to dissolve, because there's nothing in the current law that allows them to dissolve, which I find kind of an amazing situation. So as I've mentioned before, as my head spins as I look at this issue, I could keep coming back to a let's just get it

right, and that strategy is repeal and repair. I would vote against the current motion so that we can get on with the business of repairing this law and allowing our students to be educated. 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 rise in opposition of the pending motion. I'll tell you why: I represent School Union 37, SAD 58 and SAD 44. Many of you heard the plight of SAD 58 from the good Representative from Wilton, Representative Saviello, so I won't elaborate on that. But I'll give you the example of SAD 44.

SAD 44, two years ago, was told to consolidate with Mountain Valley, which is Rumford, Mexico, Dixfield and Buckfield, it's all RSU 10 now. But at the time, at the outset, they were told to pursue consolidation, so they started. They were rejected by those schools. I have them here. So they went back to the Department of Education and they were told by the Department of Education go to Rangeley, a school a mere 70 miles away, and you could co-locate your superintendent or your major service center, perhaps in Errol, New Hampshire, which is the midway point between the two of them. So anyway, that was a little facetious, yes, so they pursued this, they went through, they found absolutely no savings except for the penalty being imposed. That's a false penalty. So naturally, the people of Rangeley didn't like it, they voted it down. SAD 44 voted in favor of it so, according to the current budget, they won't face a penalty. But now, after I approached the Department of Education last week, I was again told by Department of Education, they want me to go back to Rumford-Mexico, an RSU that's already been formed. We will have no say in the formation of it. We'll go back to the very people that rejected us, and I'm holding these letters right here. Now tonight I have a budget meeting in Bethel, seven o'clock, and I have to go back to these people and tell them that two years of hard work and they're back to the very beginning and they have no choice. They did everything they were supposed to do. Earlier it was implied that these people hadn't done what they were supposed to do, they're supposed to bear the brunt of their penalty. These people did everything. They looked for savings, they found none except what the state imposed, and now we're going to push them back to the beginning. Pardon my emotion to it, I guess it's the short sleeve shirt; I'm looking like Paul Davis now. It's terrible, I rise in opposition of the current motion, and I'm not under the illusion that this is going to go and we'll be able to do anything and what happens on the second floor after, if we defeat the pending motion, that may or may not work out. In November, regardless of what happens there, we're still in a situation where we're going to have to remedy this. We're not avoiding. So if by some overwhelming chance we get two-thirds today, it helps alleviate any issues we have with the second floor, we may be able to do something. But that's just an outside thought and food for thought. Thank you.

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

Representative **WAGNER**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise in support of the Majority Ought Not to Pass motion. We should not repeal consolidation at this point. We were rushed in to the consolidation; let's not rush out of it in a way that doesn't allow us to try to make some necessary changes so that this flawed system can work. One of the things that concerns me, and I hope this does not insult too many school districts and small towns, one of the things that concerns me is savings, efficiencies

and so on were not being implemented effectively statewide prior to the consolidation. If we repeal, where is the pressure going to be and we do need that pressure in many parts of the state, where is the pressure going to be to make the changes that are necessary to save the money so that our budget doesn't continue to go up and up and up in terms of educational costs? So I will be voting against the motion to repeal.

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

Representative **SUTHERLAND**: Thank you, Madam Speaker. Madam Speaker, I just want to reiterate and make it clear at the request of a couple of colleagues. Voting on this motion to support the Majority Ought Not to Pass Report makes the piece of legislation, the initiative go forward to be put on the budget. I just wanted to make that perfectly clear that a support of the motion before us moves the citizen's initiative to the next step, which is on the next ballot that will be before us statewide. 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 Representative from Sullivan aptly pointed out that this consolidation bill was repealed by this Legislature, and one of the main reasons why that happened was that, when consolidation was considered, it was removed from the Education Committee. The very committee that should have handled this and passed this legislation and made a proposal to this Legislature was removed from that decision. Therefore, I think we need to do the right thing and put Maine back the way life should be in our state. It was a flawed legislation that really needs to be repealed. Thank you.

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 have no dog in this fight, you can check for paraphernalia; however, I'm looking at this and, as you all know, I'm really fond of the citizen's initiative process, as some of you are well aware, and so I'm looking at this very narrowly through the process of the citizen's initiative, and I'm really struggling with this because if we pass this outright today, everyone that I keep hearing is saying we need to pass it and fix it. Well, the people who collected the signatures and put a lot of hard work into collecting those signatures didn't write this legislation to say please delay the penalty, please give us more time. They said please repeal the legislation altogether. So if we vote to repeal this, we need to vote to repeal it period, and we do not get a chance to come back and fix it, because that really does a dishonor to the people who collected the signatures. On the other hand, if we send this to the people of Maine and they come back and they say we want you to repeal this legislation, it puts us in yet another situation, because if they pass this outright at the polls, come January, when we come back next year and want to fix the piece of legislation, yet again, the people have spoken. So I really, I'm neither for nor against is how I'm testifying, but just something for consideration that a lot of work went into collecting these signatures, and regardless of what we do, we're kind of in trouble in terms of the people, unless the people speak out and say we do not want you to repeal school consolidation, we're in a real bind. Or, if you really want to repeal it outright and leave it repealed outright, that's fine. But if you want to repeal it and then fix it, we're in a bind regardless of what we do. So I just wanted to throw that out there. I know it doesn't help, but I think that we really should be weighing this very carefully in terms of what

people want, and what they have asked for is an outright repeal and not a fix. I would ask that people consider that when they consider their vote today. I think our hands are tied either way. Thank you, Madam Speaker.

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

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

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

The SPEAKER: The Representative may pose her question.

Representative **CAIN**: Thank you, Madam Speaker. What is the motion that we're voting on since it's not being displayed on the board at this time?

The SPEAKER: The motion is the Acceptance of the Majority Ought Not to Pass Report.

ROLL CALL NO. 186

YEA - Adams, Beaudette, Beaudoin, Beaulieu, Beck, Bickford, Bolduc, Briggs, Bryant, Butterfield, Cain, Campbell, Carey, Casavant, Cohen, Dill, Dostie, Driscoll, Eberle, Eves, Flaherty, Flood, Giles, Goode, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Kaenrath, Kent, Kruger, Lajoie, Legg, Lovejoy, Martin JR, Mazurek, McCabe, Miller, Millett, Morrison, Nelson, Pendleton, Peoples, Percy, Perry, Peterson, Pilon, Plummer, Priest, Rankin, Robinson, Rotundo, Russell, Sanborn, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Treat, Tuttle, Valentino, Wagner J, Wagner R, Watson, Webster, Welsh, Wheeler.

NAY - Austin, Ayotte, Berry, Blodgett, Boland, Browne W, Burns, Cebra, Celli, Chase, Clark H, Clark T, Cleary, Cotta, Crafts, Crockett J, Crockett P, Curtis, Davis, Duchesne, Eaton, Edgecomb, Finch, Fitts, Flemings, Fletcher, Fossel, Gifford, Gilbert, Greeley, Hamper, Hanley, Harvell, Innes Walsh, Johnson, Joy, Knapp, Knight, Langley, MacDonald, Magnan, Martin JL, McFadden, McKane, McLeod, Nass, Nutting, O'Brien, Pieh, Pinkham, Pratt, Richardson D, Richardson W, Rosen, Sarty, Saviello, Schatz, Shaw, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tilton, Trinward, Van Wie, Weaver, Willette, Wright, Madam Speaker.

ABSENT - Blanchard, Connor, Cornell du Houx, Cray, Cushing, Jones, Lewin, Piotti, Prescott.

Yes, 72; No, 70; Absent, 9; Excused, 0.

72 having voted in the affirmative and 70 voted in the negative, with 9 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Provide Greater Access to ATVs by Lowering the Minimum Operating Age"

(S.P. 104) (L.D. 340)

Majority (8) **OUGHT NOT TO PASS** Report of the Committee on **INLAND FISHERIES AND WILDLIFE READ** and **ACCEPTED** in the House on June 2, 2009.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (3) **OUGHT TO PASS** Report of the Committee on **INLAND FISHERIES AND WILDLIFE** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-194)** in **NON-CONCURRENCE.**

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

Non-Concurrent Matter

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)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-430) in the House on June 1, 2009.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-430) AS AMENDED BY SENATE AMENDMENT "A" (S-290)** thereto in **NON-CONCURRENCE**.

On motion of Representative PIEH of Bremen, the House **RECEDED**.

On further motion of same Representative, the Bill and accompanying papers were **INDEFINITELY POSTPONED** in **NON-CONCURRENCE** and sent for concurrence.

Non-Concurrent Matter

Joint Order, To Recall L.D. 1390 from the Governor's Desk to the House

(H.P. 1039)

READ and **PASSED** in the House on June 1, 2009.

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

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

Non-Concurrent Matter

Bill "An Act To Allow for a Dual Liquor License"

(H.P. 681) (L.D. 989)

Majority (11) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LEGAL AND VETERANS AFFAIRS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-425)** in the House on May 29, 2009.

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

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

CONSENT CALENDAR

First Day

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

(S.P. 551) (L.D. 1476) Bill "An Act Regarding the Transfer of Licenses for Energy Recovery Facilities" (EMERGENCY) Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-292)**

(H.P. 758) (L.D. 1103) Bill "An Act To Amend the Animal Welfare Laws" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-523)**

(H.P. 896) (L.D. 1293) Bill "An Act To Require Citizen Notification of Pesticide Applications Using Aerial Spray or Air-carrier Application Equipment" Committee on **AGRICULTURE,**

CONSERVATION AND FORESTRY reporting **Ought to Pass as Amended by Committee Amendment "A" (H-522)**

(H.P. 994) (L.D. 1418) Bill "An Act To Preserve Home Ownership and Stabilize the Economy by Preventing Unnecessary Foreclosures" (EMERGENCY) Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-524)**

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

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-514)** on Bill "An Act To Establish Climate and Energy Planning in Maine"

(H.P. 937) (L.D. 1333)

Signed:

Senators:

GOODALL of Sagadahoc

SIMPSON of Androscoggin

Representatives:

BOLDUC of Auburn

MARTIN of Eagle Lake

EBERLE of South Portland

DUCHESNE of Hudson

WALSH INNES of Yarmouth

WELSH of Rockport

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-515)** on same Bill.

Signed:

Senator:

SMITH of Piscataquis

Representatives:

HAMPER of Oxford

KNAPP of Gorham

EDGEComb of Caribou

AYOTTE of Caswell

READ.

Representative DUCHESNE of Hudson 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.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

CONSENT CALENDAR

First Day

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

(H.P. 545) (L.D. 796) Bill "An Act To Direct Fines Collected on Tribal Lands to the Passamaquoddy Tribe and the Penobscot Nation" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-527)**

(H.P. 775) (L.D. 1120) Bill "An Act To Require a Review of Certain Changes in the Application of the Sales and Use Tax Law" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-528)**

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

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Resolve, To Establish a Transition Adjustment for Fiscal Year 2009-10

(H.P. 1041) (L.D. 1486)

Sponsored by Representative WEBSTER of Freeport.

Cosponsored by Senator GERZOFKY of Cumberland and Representatives: AUSTIN of Gray, VAN WIE of New Gloucester. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested.

Under suspension of the rules, the Resolve was given its **FIRST READING WITHOUT REFERENCE** to a committee.

Under further 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. **ORDERED SENT FORTHWITH.**

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (3) **Ought to Pass as Amended by Committee Amendment "A" (H-126)** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Eliminate Penalties for Nonconforming School Administrative Units" (EMERGENCY) (H.P. 79) (L.D. 95)

TABLED - April 29, 2009 (Till Later Today) by Representative PIOTTI of Unity.

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

Representative SUTHERLAND of Chapman moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED.**

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

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

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

ROLL CALL NO. 187

YEA - Adams, Beaudette, Beaudoin, Beck, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Butterfield, Cain, Campbell, Carey, Casavant, Cleary, Cohen, Crockett P, Dill, Dostie, Driscoll, Duchesne, Eberle, Eves, Fitts, Flaherty, Flemings, Flood, Giles, Goode, Hanley, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Kaenrath, Kent, Kruger, Lajoie, Legg, Lovejoy, Martin JR, Mazurek, McCabe, Miller, Millett, Morrison, Nelson, Nutting, Pendleton, Peoples, Percy, Peterson, Pieh, Pilon, Piotti, Plummer, Priest, Rankin, Robinson, Rotundo, Russell, Sanborn, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Tardy, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Wheeler, Wright, Madam Speaker.

NAY - Austin, Ayotte, Beaulieu, Browne W, Burns, Cebra, Celli, Chase, Clark H, Clark T, Cotta, Crafts, Crockett J, Curtis, Davis, Eaton, Edgecomb, Finch, Fletcher, Fossel, Gifford, Gilbert, Greeley, Hamper, Harvell, Johnson, Joy, Knapp, Knight, Langley, MacDonald, Magnan, Martin JL, McFadden, McKane, McLeod, Nass, O'Brien, Perry, Pinkham, Pratt, Richardson D, Richardson W, Rosen, Sarty, Saviello, Schatz, Shaw, Sykes, Theriault, Thibodeau, Thomas, Tilton, Weaver, Willette.

ABSENT - Bickford, Blanchard, Connor, Cornell du Houx, Gray, Cushing, Jones, Lewin, Prescott.

Yes, 87; No, 55; Absent, 9; Excused, 0.

87 having voted in the affirmative and 55 voted in the negative, with 9 being absent, and accordingly the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (10) **Ought Not to Pass** - Minority (1) **Ought to Pass as Amended by Committee Amendment "A" (H-124)** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Repeal the Laws Governing Consolidation of School Administrative Units" (EMERGENCY)

(H.P. 99) (L.D. 115)

TABLED - April 29, 2009 (Till Later Today) by Representative PIOTTI of Unity.

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

Representative SUTHERLAND of Chapman moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED.**

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

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

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

ROLL CALL NO. 188

YEA - Adams, Beaudette, Beaudoin, Beck, Berry, Blodgett, Boland, Bolduc, Bryant, Butterfield, Cain, Campbell, Carey, Casavant, Cleary, Cohen, Crockett P, Dill, Dostie, Driscoll, Duchesne, Eberle, Eves, Flaherty, Flemings, Flood, Giles, Goode, Hanley, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Hunt,

Kaenrath, Kent, Knapp, Kruger, Lajoie, Legg, Lovejoy, Martin JR, Martin JL, Mazurek, McCabe, Miller, Millett, Morrison, Nelson, Pendleton, Peoples, Percy, Perry, Peterson, Pilon, Piotti, Plummer, Priest, Rankin, Robinson, Rotundo, Russell, Sanborn, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Treat, Trinward, Tuttle, Valentino, Wagner J, Wagner R, Watson, Webster, Welsh, Wheeler, Wright, Madam Speaker.

NAY - Austin, Ayotte, Beaulieu, Browne W, Burns, Cebra, Celli, Chase, Clark H, Clark T, Cotta, Crafts, Curtis, Davis, Eaton, Edgecomb, Finch, Fitts, Fletcher, Fossel, Gifford, Gilbert, Greeley, Hamper, Harvell, Innes Walsh, Johnson, Joy, Knight, Langley, MacDonald, Magnan, McFadden, McKane, McLeod, Nass, Nutting, O'Brien, Pieh, Pinkham, Pratt, Richardson D, Richardson W, Rosen, Sarty, Saviello, Schatz, Shaw, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tilton, Van Wie, Weaver, Willette.

ABSENT - Bickford, Blanchard, Briggs, Connor, Cornell du Houx, Cray, Crockett J, Cushing, Jones, Lewin, Prescott.

Yes, 83; No, 57; Absent, 11; Excused, 0.

83 having voted in the affirmative and 57 voted in the negative, with 11 being absent, and accordingly the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

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

Bill "An Act To Establish the Maine Fuel Board"
(H.P. 1007) (L.D. 1455)

- In House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-345)** on May 26, 2009.

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-345) AND SENATE AMENDMENT "A" (S-261)** in **NON-CONCURRENCE**.

TABLED - May 29, 2009 (Till Later Today) by Representative SMITH of Monmouth.

PENDING - **FURTHER CONSIDERATION**.

Subsequently, on motion of Representative SMITH of Monmouth, the House voted to **RECEDE**.

Senate Amendment "A" (S-261) was **READ** and **ADOPTED**.

On further motion of same Representative, the House **RECONSIDERED ADOPTION** of **Senate Amendment "A" (S-261)**.

The same Representative **PRESENTED House Amendment "A" (H-525)** to **Senate Amendment "A" (S-261)**, which was **READ** by the Clerk and **ADOPTED**.

Senate Amendment "A" (S-261) as Amended by House Amendment "A" (H-525) thereto **ADOPTED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-345)** and **Senate Amendment "A" (S-261) as Amended by House Amendment "A" (H-525)** thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

REPORTS OF COMMITTEE Divided Report

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Authorize the Administration of Epinephrine Autoinjectors and Asthma Inhalers in Emergencies"

(H.P. 279) (L.D. 372)

Signed:

Senators:
BLISS of Cumberland
HASTINGS of Oxford

Representatives:
PRIEST of Brunswick
BRYANT of Windham
DILL of Cape Elizabeth
CLEARY of Houlton
HILL of York
STEVENS of Bangor
KRUGER of Thomaston
NASS of Acton
BEAULIEU of Auburn
CROCKETT of Bethel

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

Signed:
Senator:
HOBBINS of York

Representative MITCHELL of the Penobscot Nation - of the House - supports the Majority **Ought Not to Pass** Report.

READ.

On motion of Representative PRIEST of Brunswick, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH**.

SENATE PAPERS

Non-Concurrent Matter

An Act To Improve the Maine Clean Election Act
(S.P. 445) (L.D. 1197)
(S. "A" S-246 to C. "A" S-214)

PASSED TO BE ENACTED in the House on June 3, 2009.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-214) AS AMENDED BY SENATE AMENDMENTS "A" (S-246) AND "B" (S-291)** thereto in **NON-CONCURRENCE**.

On motion of Representative TRINWARD of Waterville, the House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

Bill "An Act To Amend the Maine Certificate of Need Act of 2002" (EMERGENCY)
(H.P. 974) (L.D. 1395)

Majority (8) **OUGHT TO PASS AS AMENDED** Report of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-496)** in the House on June 3, 2009.

Came from the Senate with the Minority (5) **OUGHT TO PASS AS AMENDED** Report of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-497)** in **NON-CONCURRENCE**.

On motion of Representative PERRY of Calais, the House voted to **RECEDE AND CONCUR**.

**REPORTS OF COMMITTEE
Divided Report**

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-295)** on Bill "An Act To Promote Economic Development and Reduce Reliance on Automobiles through Transit-oriented Tax Increment Financing Districts"

(S.P. 511) (L.D. 1392)

Signed:

Senator:

PERRY of Penobscot

Representatives:

WATSON of Bath

BRYANT of Windham

LANGLEY of Ellsworth

FLEMINGS of Bar Harbor

CROCKETT of Augusta

PILON of Saco

VALENTINO of Saco

SIROIS of Turner

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-296)** on same Bill.

Signed:

Senator:

NASS of York

Representatives:

CHASE of Wells

KNIGHT of Livermore Falls

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-295)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-295)** 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-295)** in concurrence. **ORDERED SENT FORTHWITH**.

CONSENT CALENDAR

First Day

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

(S.P. 479) (L.D. 1321) Bill "An Act To Clarify Taxpayer Privacy Requirements" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-297)**

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

There being no objection, the Senate Paper was **PASSED TO BE ENGROSSED as Amended** in concurrence.

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

On motion of Representative DAVIS of Sangerville, the House adjourned at 5:14 p.m., until 9:00 a.m., Thursday, June 4, 2009 in honor and lasting tribute to Philip E. Warren, of Dover-Foxcroft and Frank Koenig, of Windham.