

MAINE STATE LEGISLATURE

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

Volume II

First Regular Session

May 28, 2009 – June 12, 2009

Second Regular Session

January 6, 2010 - March 23, 2010

Pages 609-1214

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
 FIRST REGULAR SESSION
 54th Legislative Day
 Tuesday, June 9, 2009

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

Prayer by Pastor Chuck Langbein, Dixmont United Methodist Church.

National Anthem by Mark Munson, Westbrook.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act To Designate Sales Tax Holiday Weekends"
 (H.P. 792) (L.D. 1148)

FAILED OF PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-400) in the House on June 8, 2009.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-400)** in **NON-CONCURRENCE**.

Representative WATSON of Bath moved that the House **ADHERE**.

Representative CHASE of Wells moved that the House **RECEDE AND CONCUR**.

The same Representative **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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 to Recede and Concur. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 210

YEA - Austin, Ayotte, Beaudoin, Beaulieu, Bickford, Browne W, Burns, Campbell, Casavant, Cebra, Celli, Chase, Clark T, Cleary, Cotta, Crafts, Cray, Crockett J, Curtis, Cushing, Davis, Eaton, Eberle, Edgecomb, Eves, Finch, Fitts, Flemings, Fletcher, Flood, Fossel, Gifford, Giles, Hamper, Hill, Hunt, Johnson, Joy, Knapp, Knight, Langley, McFadden, McKane, McLeod, Millett, Nass, Nelson, Nutting, Pendleton, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Rosen, Sarty, Saviello, Shaw, Sirois, Strang Burgess, Sykes, Thibodeau, Thomas, Tilton, Tuttle, Weaver, Willette.

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

ABSENT - Adams, Beaudette, Beck, Connor, Greeley, Hanley, Harvell, Haskell, Kaenrath, Lewin, Perry, Robinson, Tardy.

Yes, 67; No, 71; Absent, 13; Excused, 0.

67 having voted in the affirmative and 71 voted in the negative, with 13 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, the House voted to **ADHERE**.

COMMUNICATIONS

The Following Communication: (H.C. 204)
STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333

June 9, 2009

Honorable Hannah M. Pingree

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Pingree:

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

Appropriations and Financial Affairs

L.D. 10 An Act To Authorize a General Fund Bond Issue for Wastewater Treatment Facilities and Drinking Water Programs

L.D. 153 An Act To Authorize a General Fund Bond Issue for the Land for Maine's Future Board

L.D. 203 An Act To Authorize a General Fund Bond Issue To Assist the University of Maine System in the Conversion of the Educational Broadband Spectrum from Analog to Digital

L.D. 214 An Act To Authorize a General Fund Bond Issue for Economic Recovery (EMERGENCY)

L.D. 222 An Act To Authorize a General Fund Bond Issue To Improve State Parks

L.D. 230 An Act To Authorize a General Fund Bond Issue for the Purchase and Protection of Traditional Hunting Grounds (EMERGENCY)

L.D. 280 An Act To Authorize a General Fund Bond Issue for Repairs to Traditional Meetinghouses

L.D. 369 An Act To Authorize a General Fund Bond Issue To Rebuild a Bulkhead and Wharf at the Gulf of Maine Research Institute

L.D. 439 An Act To Authorize a General Fund Bond Issue for Research and Development To Stimulate Maine's Innovation Economy

L.D. 472 An Act To Authorize a General Fund Bond Issue for Energy Conservation

L.D. 507 An Act To Authorize a General Fund Bond Issue for the Construction of a Multiuse Arena in Bangor

L.D. 518 An Act To Authorize a General Fund Bond Issue To Enhance Funding for Stem Cell Research in Maine

L.D. 660 An Act To Authorize a General Fund Bond Issue To Maintain Train Quiet Zone Status in Millinocket

L.D. 684 An Act To Authorize a General Fund Bond Issue To Finance the Acquisition of Land and Interest in Land for Public Land and Water Access, Conservation, Wildlife and Fish Habitats, Outdoor Recreation Including Hunting and Fishing and Farmland Preservation and To Access Matching Contributions from Public and Private Sources

L.D. 709 An Act To Authorize a General Fund Bond Issue To Weatherize and Upgrade the Energy Efficiency of Maine Homes and Businesses and To Provide a Trained Workforce

- L.D. 729 An Act To Authorize a General Fund Bond Issue To Create a New Health Care Internet Infrastructure
- L.D. 732 An Act To Authorize a General Fund Bond Issue To Support Small Businesses' Access to Capital
- L.D. 770 An Act To Authorize a General Fund Bond Issue for Research and Development
- L.D. 775 An Act To Authorize a General Fund Bond Issue To Fund the Communities for Maine's Future Program
- L.D. 776 An Act To Authorize a General Fund Bond Issue for the Land for Maine's Future Board
- L.D. 810 An Act To Authorize a General Fund Bond Issue for School Construction and Renovation Projects That Demonstrate Cost Savings
- L.D. 858 An Act To Authorize a General Fund Bond Issue To Fund Energy Investments for Maine's Future
- L.D. 894 An Act To Establish the Maine Farmland Fund and Authorize a General Fund Bond Issue To Support Maine's Traditional Industries
- L.D. 895 An Act To Authorize a General Fund Bond Issue To Renovate Classrooms, Laboratories and Other Essential Teaching and Learning Facilities in the University of Maine System and the Maine Community College System
- L.D. 909 An Act To Authorize a General Fund Bond Issue To Fund Research and Development for Cancer
- L.D. 910 An Act To Authorize a General Fund Bond Issue To Promote Sustainable Green Housing
- L.D. 911 An Act To Authorize a General Fund Bond Issue for Affordable Housing
- L.D. 912 An Act To Authorize a General Fund Bond Issue for Capital Projects for Hospitals

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

Sincerely,
S/Millicent M. MacFarland
Clerk of the House

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

The Following Communication: (S.P. 569)
STATE OF MAINE
124TH MAINE LEGISLATURE

June 8, 2009
Sen. Justin L. Alfond
Senate Chair, Joint Standing Committee on Education and Cultural Affairs
Rep. Patricia B. Sutherland
House Chair, Joint Standing Committee on Education and Cultural Affairs
124th Legislature
Augusta, ME 04333
Dear Senator Alfond and Representative Sutherland:
Please be advised that Governor John E. Baldacci has withdrawn his nomination of James Carignan for appointment to the State Board of Education, pursuant to Title 3 M.R.S.A. §154.
This nomination is currently pending before the Joint Standing Committee on Education and Cultural Affairs.
Sincerely,

S/Elizabeth H. Mitchell
President of the Senate
S/Hannah M. Pingree
Speaker of the House

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

The Following Communication: (S.C. 401)
MAINE SENATE
124TH MAINE LEGISLATURE
OFFICE OF THE SECRETARY

June 8, 2009
Honorable Millicent M. MacFarland
Clerk of the House
2 State House Station
Augusta, ME 04333

Dear Clerk MacFarland:
Please be advised the Senate today adhered to its previous action whereby it accepted the Majority Ought Not to Pass Report from the Committee on Education and Cultural Affairs on Bill "An Act To Permit Charter Schools in Maine" (S.P. 522) (L.D. 1438).
Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

READ and **ORDERED PLACED ON FILE.**

ORDERS

On motion of Representative CORNELL du HOUX of Brunswick, the following Joint Resolution: (H.P. 1044) (Cosponsored by Senator SULLIVAN of York and Representatives: BEAUDETTE of Biddeford, BEAUDOIN of Biddeford, BECK of Waterville, BICKFORD of Auburn, BOLAND of Sanford, CAREY of Lewiston, CLARK of Millinocket, CLEARY of Houlton, COHEN of Portland, CONNOR of Kennebunk, CROCKETT of Augusta, EATON of Sullivan, FITTS of Pittsfield, GREELEY of Levant, HASKELL of Portland, WALSH INNES of Yarmouth, KNIGHT of Livermore Falls, LEGG of Kennebunk, MARTIN of Eagle Lake, NASS of Acton, NELSON of Falmouth, PIEH of Bremen, PILON of Saco, Speaker PINGREE of North Haven, PIOTTI of Unity, PRATT of Eddington, PRIEST of Brunswick, ROTUNDO of Lewiston, RUSSELL of Portland, SANBORN of Gorham, SMITH of Monmouth, STEVENS of Bangor, THIBODEAU of Winterport, TRINWARD of Waterville, VALENTINO of Saco, WAGNER of Lyman, WATSON of Bath, WHEELER of Kittery, WRIGHT of Berwick, Senators: BARTLETT of Cumberland, COURTNEY of York, DIAMOND of Cumberland, GERZOFKY of Cumberland, GOODALL of Sagadahoc, President MITCHELL of Kennebec, PLOWMAN of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SUPPORT NATIONAL GUARD FACILITIES

WE, your Memorialists, the Members of the One Hundred and Twenty-fourth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the President of the United States and the United States Congress as follows:

WHEREAS, stronger investment in upgraded United States National Guard facilities is needed not only for the security of our

states and for the military readiness of the nation, but also as a powerful way to create and preserve jobs; and

WHEREAS, in today's global environment, our National Guard is called upon far more frequently than in the past for overseas deployments, becoming an operational force whose readiness, training and equipment must be on par with our nation's active duty force; and

WHEREAS, the National Guard provides crucial capabilities to alleviate suffering and help communities recover from damage when disaster strikes and these critical homeland and overseas missions of today's National Guard demand higher readiness and greater capability; and

WHEREAS, the Maine National Guard has deployed 37 units since September 11, 2001 and 2,231 Maine Army National Guard soldiers have been deployed since that time and the Maine Air National Guard flew over 180 missions in 2008; and

WHEREAS, in 2008 the Maine National Guard fulfilled 75 requests for general military support; it supported relief efforts during the May 2008 flood in Aroostook County; the Maine National Guard rendered 1,665 Military Funeral Honors; and the 195th Army Band performed 61 times in over 27 communities across the State; and

WHEREAS, the average age of an Army National Guard facility is 41 years, with 24% being more than 60 years old, and the Maine National Guard has over 300 facilities and training areas throughout Maine; and

WHEREAS, Maine has one of the highest energy costs in the country and therefore retrofitting Maine National Guard facilities would help to reduce energy costs and our country's overreliance on fossil fuels; and

WHEREAS, modernization of our National Guard facilities will put people to work and enhance the quality of life for our troops who regularly train in these facilities; and

WHEREAS, the Maine National Guard contributes over \$150,000,000 to our State's economy through military pay and allowances, civilian payroll and the purchase of goods and services; and

WHEREAS, Army and Air National Guard facilities are not concentrated on large military installations but are instead widely distributed across more than 3,200 communities in America; and

WHEREAS, the average National Guard military construction project is less than half the cost of an active component military construction project so that National Guard facility investments go further and assist communities more broadly; now, therefore, be it

RESOLVED: That We, your Memorialists, on behalf of the people we represent, take this opportunity to respectfully urge and request that President Barack H. Obama request, and the United States Congress authorize and fund, an increase in military construction and facilities maintenance for both the Army and the Air National Guard; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Barack H. Obama, President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

READ and ADOPTED.

Sent for concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

James Wells, of Phippsburg, who won two championship races at the 2009 National YMCA Short Course Swimming and Diving Championships. James, a junior at Morse High School in Bath and a member of the Long Reach Swim Club at the Bath Area Family YMCA, won first place in the 100-yard backstroke and in the 50-yard freestyle races at the national championships. His team ranked fourth in the competition. He has set state records in the backstroke, the butterfly stroke, the 50-yard and 100-yard freestyle and the 200-yard individual medley, and has been named as the *Maine Sunday Telegram* MVP for boys' swimming. James is also considered a likely candidate for a future United States Olympic team. We extend our congratulations to him on his recent achievements and we send him our best wishes on his future swimming goals;

(HLS 481)

Presented by Representative PERCY of Phippsburg.

Cosponsored by Senator GOODALL of Sagadahoc, Representative WATSON of Bath, Representative MacDONALD of Boothbay, Representative KENT of Woolwich.

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

READ.

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

Representative **PERCY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Isn't it wonderful when we can congratulate and say yahoo for our young people? How many of us in this body have been volunteers in the school systems, a substitute teacher, for instance, at Phippsburg Elementary School and have a kind like James Wells, who's got high energy and passion and wants to do the best that he possibly can. James is here today with his father and his grandmother and they're standing up in the balcony, and I was so excited when they agreed to come up here, because we don't often have the ability or the chance to say you did an incredible job. I would like to add to this list of successes that James Wells has that is in the program, because he didn't win just two championship races, he won three championship races. He also won the 200 backstroke. And what was really cool is that a couple of weeks ago when I called the family and said "Can James come up? We'd like to honor him", they said, "Well Leila, he has to go to Charlotte, North Carolina. He is going to be competing in what is called the Charlotte Grand Prix" which, in that race, Ladies and Gentlemen, one hundred people come from all over the country, all over the world to compete. It's the race that you have before the big world race in July. James came in 16th in that race of 100 swimmers, and guess who else was swimming in those lanes? Michael Phelps. Isn't that a wonderful thing that we can celebrate that kind of success? And so it is with great pride and honor I introduce you to James Wells, of Phippsburg, Ladies and Gentlemen.

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

Representative **FLAHERTY**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. It's a little unusual that I rise today, especially because James Wells swims for a competing team of mine, and he always happens to be breaking my state records every other month. But still, I wanted to rise and congratulate James Wells. He is an extraordinary young man. He is a great swimmer and he will continue to be a great swimmer, and on behalf of Maine Swimming, the board that I sit on, and my experience in the sport and all of those swimmers across the state, we want to congratulate James Wells and wish him the best of luck. He's got a few years left in Maine, and I'm sure he will continue in the great tradition of Ian Crocker and

others, who will go on to continue to make us proud in the sport of swimming. Congratulations, James and thank you, Madam Speaker.

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

Recognizing:

Erin Mills, of Brewer, who was named a 2009 Presidential Scholar. Erin, a senior at Brewer High School, is one of two Presidential Scholars from Maine and is believed to be the first student from Brewer High School to be given the national honor. The Presidential Scholars program was established in 1946 to honor the academic excellence, artistic accomplishments and civic contributions of exemplary graduating high school students and is one of the nation's highest honors given to high school seniors. Erin was chosen from 3,000 nominees and was one of 141 senior students selected. A lifelong resident of Brewer, Erin is an active member of her church, is involved in the high school theater program, is captain of the math team, is on the varsity swim team and is a teacher's assistant in her outdoor education class. We extend our congratulations to her on receiving this honor and we send her our best wishes for continued success;

(HLS 482)

Presented by Representative CELLI of Brewer.

Cosponsored by Senator ROSEN of Hancock, Representative PRATT of Eddington.

On **OBJECTION** of Representative NUTTING of Oakland, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Recognizing:

Reed and Reed, Inc., of Woolwich, which has been recognized as a SHARP site by the United States Department of Labor, Occupational Safety and Health Administration. SHARP, the Safety and Health Achievement Recognition Program, is a special program recognizing achievements by employers in workplace safety and health. It is the highest honor given by the Occupational Safety and Health Administration. Reed and Reed, Inc. was founded as a bridge building firm in 1928 and has become one of northern New England's largest and most versatile general contractors. Reed and Reed, Inc. also received its 7th Associated General Contractors of Maine "BUILD MAINE" Award at the annual National Association of Women in Construction expo meeting in April for the Stetson Wind Project. The coveted award is presented annually to high profile projects that meet stringent criteria for innovation, environmental sensitivity, safety and overall excellence and is considered a major award for Maine construction companies. We send our congratulations and best wishes to Reed and Reed, Inc. on its receiving these awards;

(HLS 483)

Presented by Representative KENT of Woolwich.

Cosponsored by Senator GOODALL of Sagadahoc.

On **OBJECTION** of Representative KENT of Woolwich, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Woolwich, Representative Kent.

Representative **KENT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. For the second consecutive day I have the privilege of speaking to the

accomplishments of an organization in my district—Reed & Reed General Contractors of Woolwich, Maine, which is my hometown.

Some of you have heard of Reed & Reed because they are at the center of two issues that are close to the heart of the 124th legislature—our energy future and the industry we hope to create around it.

In the last two years Reed & Reed saw the unfolding of Maine's energy future and took the initiative and calculated risk to invest in the purchase of the only two cranes in this region capable of handling the construction of wind turbines. It has been a brief but productive history—Mars Hill, Beaver Ridge, Kibby, Oakfield and both the Stetson Mountain 1 and 2 Wind Projects—a brief history with a wide open future, and Reed & Reed is poised with the 124th legislature and Maine to move forward into that future.

Who is Reed & Reed? Who is this company that has risen to the surface of our energy and economic future?

They are 100% Maine. This is not a company owned and operated by outside investors and interests. This is a family company that grew up a ½ mile down the road from me in the Woolwich cul-de-sac of Day's Ferry.

Reed & Reed was founded in 1928 by Captain Josiah W. Reed and his son Carlton Day Reed with an investment of \$2,000. Initially and until the 1970's bridge projects were their primary focus.

In 1953 Carlton Day Reed Jr., known as "Bud", became a partner. Now Bud Reed became the President of the Maine Senate in the 1965 and 66—perhaps the Representative from Eagle Lake remembers him. A few weeks ago Bud Reed drove down my road in his pick-up, his dog sitting next to him in the front seat. I imagine he is in his 80's now. He said he couldn't remember the last time he had been up this way and I told him that as far as my memory served me that would be never. We talked a while about his time in the legislature and he said for him, his greatest accomplishments were his efforts around legislation to clean up the Kennebec River.

In 1985, Jackson Parker, a graduate of Colby College, was elected president and CEO and remains as such to this day. Recent history, I have already touched on: their wind turbine projects and their participation in Maine's energy future.

Reed & Reed is truly one of Maine's most valuable assets. A company with roots reaching deep into Maine's past and growing, with Maine, into the energy future that this 124th legislature is beginning to shape. To me, they represent the best of Maine's past, present and future, and I am proud to have had the opportunity to speak of them today. Thank you.

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

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

UNFINISHED BUSINESS

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

Expression of Legislative Sentiment Recognizing Donald Simoneau, of Fayette, a member of the George Bunten American Legion Post 10

(HLS 293)

TABLED - May 5, 2009 (Till Later Today) by Representative JONES of Mount Vernon.

PENDING - PASSAGE.

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

Representative **JONES**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I am proud to rise in honor of a resident of one of my towns and Fayette, Donald Simoneau. I have only known him briefly, but he is highly respected by everyone in our communities. He has worked tirelessly for years on veteran's issues here in the Legislature, I think many of you know him from that work and throughout the State of Maine. Donald is highly respected in communities in Fayette and central Maine, and even through a great deal of illness of his own, he has persevered to try to advocate for our veterans, especially around issues of trying to keep up our cemeteries to honor them. I am very happy that we have him here and I want to congratulate him on all the work that he does. Thank you.

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 am proud today to stand to recognize Don Simoneau, who is a tireless worker, spends countless hours in front of Legal and Veterans. He is always thoughtful, considerate and prepared in all of this testimony, but his passion for helping veterans is above all others. It has been a great joy for me to get to know and appreciate Donald Simoneau and the veterans and the State of Maine is a better place because of his hard work and his endless enthusiasm. Thank you.

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

Representative **WATSON**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. It is my distinct honor to congratulate Donald Simoneau. I don't believe the veterans of Maine, and in fact of the United States, have a stronger advocate in any political organization. Donald is not only a great advocate for veteran's issues, but a great source of information for those of us who deal with veteran's issues from time to time. He has a great memory of the history of this body and the state government in general and its treatment of veterans and a great resource. He has appeared before Tax many, many times and ninety percent of the time he goes away disappointed, but satisfied that he's been able to make his case and the veterans of this state are very lucky to have him in that place. My best wishes to Donald and, as a body, I want to thank him for his service to this country as well as the state. Thank you.

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. I, too, rise and it is my privilege to thank Don for all his work. I have known him for the seven years that I've been here. I know he always takes veteran's interests at heart, he works very hard for them, I appreciate all he does, and I am very proud to call him my friend. Thank you very much, Madam Speaker.

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

Representative **JOHNSON**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. It's been my privilege to know Don Simoneau for about eight years now. I served, when he was the department commander, as a post commander, and it is my privilege to serve the American Legion as the chaplain for the Department of Maine. Don has been an indefatigable force in advocating for veteran's rights and veteran's benefits. He has done all of the patriotic things that keep veteran's issues in the forefront of the citizens of Maine. As

you probably know, Maine has a higher percentage of veterans than any other state, so his efforts have had a big impact on all areas in our state. So I congratulate him on this sentiment and I also consider him a friend.

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. It is a pleasure to honor my friend Don Simoneau. Don is a longtime friend of mine, and I just wanted to recognize a couple of things that Don has done in our community. One of them is completing his goal of locating and identifying gravesites of veterans in many area towns along the Androscoggin and some of these gravesites were long lost, they date back to the Revolution. He also established a weekly event that continues to this day. Every Monday morning at the Jay World War II monument in Chisholm Square, he and fellow veterans of the American Legion honor veterans and the American flag, from eight in the morning until nine in the morning. He is also a longtime advocate of veterans here in the Legislature and at Togus. I am proud to belong to the same post, American Legion Post 10, Livermore Falls, as Don does. 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, too, am proud to rise and recognize Don Simoneau. People have indicated they've known him for three years, they've known him for one year, they've known him for eight years. Well, I can tell you I've known Don Simoneau for over 50 years. Don Simoneau and I were next door neighbors. We played ball together in the backyard and just a terrific, terrific friend and neighbor. He indeed has been an absolute fantastic advocate for the veterans. As the good Representative from Bath pointed out, he spent a lot of time in front of Taxation. The word tireless has been used. He has been tireless in his efforts to promote the benefits to the veterans. This man has just been an unusually super, super citizen of this state. But besides all of that, he's also a good husband, good dad and tremendous father-in-law. I've known Don for, as I said, over 50 years and I just am so pleased that he's being recognized today. Thank you, Madam Speaker.

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 am not going to try to compete for the amount of time that I've known Don, because he's certainly come before our committee and he's been very welcoming to a freshman. But I wanted to point out that in addition to all his work honoring veterans and tirelessly working on behalf of them, which we see in our committee frequently, he also is really good at making gavels. It's my understanding that some, perhaps I can neither confirm nor deny whether or not a particular gavel that continues to be pounded quite loudly, Madam Speaker, happens to be of his craft. There is a secret code on there which you'll have to ask Mr. Simoneau about. So I wanted to point out that, in addition to working very hard on the veterans, he makes sure that the Maine State Legislature has its gavels and that people in positions of immense power and gratitude could utilize those gavels quite effectively, so I want to thank him.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Cornell du Houx.

Representative **CORNELL du HOUX**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I just want to stand and continue to congratulate Don Simoneau

because, each time he came into the committee, he came in passionately and you could tell he had a thorough, thorough understanding of these issues. He has worked and actually volunteered on these issues as an individual. Unlike some organizations, veterans don't have professional lobbyists to advocate on their behalf, and he has spent an unbelievable amount of time dedicating himself to this issue. He has worked on everything from veteran's homelessness to transportation to disabled vets and has supported us in the veteran's service officers. So I think it's extremely important and am very happy to see him here today and the congratulations from the House. Thank you.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I find myself remiss if I sat in my chair and not say anything on behalf of my good colleague, my good friend Don Simoneau. Don, sitting out back, I can see him right now by not turning around, he must be extremely blushing and taking this with vain because he's not one that stands up and wants accolades, he's just out there in the trenches fighting, fighting, fighting for the veterans here in the State of Maine. I can tell you right now, Don Simoneau is the soul and the fabric for the veterans. Being the service officer for the veterans of my area, between the VFW, American Legion and the DAV, I can tell you Don Simoneau's name is brought up no matter where I go in the State of Maine, as being a fighter, a champion for the veterans. Little do people know, a lot of veterans do not belong to the American Legion, the VFW or the DAV. They are a different breed from when I got discharged in 1970 coming home from Vietnam, a lot of us joined the VFM, the American Legion or the DAV. Today the veterans are non-members of any of those. Most of the people I get going to Togus do not belong to any of those organizations. That's why we need somebody like Don Simoneau in the position that he's in to take care of the veterans that are here in the State of Maine. Don, good luck friend, we're going to miss you and peek back here because I know you're out there.

One thing I want to mention, Don asked me when he was state commander to do a remark statement at the American Legion Convention. He gave me a gavel. I can tell you with three grandchildren, that gavel, Don, is being used at my desk at home. Thank you very much.

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

Representative **WEBSTER**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I would be remiss if I didn't stand briefly to say that I'm pleased that we're honoring Don Simoneau today. I first got to know Don when he spoke and came and advocated on the Health and Human Services Committee when I served. I first met him as a freshman and I found a very thoughtful and thorough, informed advocate, who not only was effective in front of the committee but also in the halls, and someone I enjoyed talking with and I learned a great deal from. I want to thank him for his advocacy and for his thoughtful consideration of many issues regarding veterans. Any of you that go looking for his business card amongst all your piles of business cards will surely be able to pick his out, because it's unique in his presentation. Thank you.

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

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act To Clarify the Application of the Public Works Minimum Wage Laws" (H.P. 584) (L.D. 849)

has had the same under consideration, and asks leave to report: That the House **READ** and **ACCEPT** the Report. That the Senate **RECEDE** from **ACCEPTANCE** of the Minority (4) **OUGHT NOT TO PASS** Report of the Committee **LABOR**. That the Senate **CONCUR** with **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-241)**.

Signed:

Representatives:

TUTTLE of Sanford

GILBERT of Jay

CAMPBELL of Newfield

Senators:

JACKSON of Aroostook

DAMON of Hancock

MILLS of Somerset

READ.

Representative CURTIS of Madison **REQUESTED** a roll call on **ACCEPTANCE** of the **Committee of Conference** 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 Committee of Conference Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 211

YEA - Beaudoin, Beck, Berry, Blanchard, Blodgett, Bolland, 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, Peterson, Pieh, Pilon, Piotti, Priest, Rankin, Rotundo, Russell, Sanborn, Schatz, Shaw, Sirois, Smith, Stevens, Stuckey, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagnler R, Watson, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

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

ABSENT - Adams, Beaudette, Harvell, Lewin, Morrison, Perry, Pratt, Tardy.

Yes, 91; No, 52; Absent, 8; Excused, 0.

91 having voted in the affirmative and 52 voted in the negative, with 8 being absent, and accordingly the **Committee of Conference** Report was **ACCEPTED** and sent for concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 967) (L.D. 1377) Bill "An Act To Amend the 1980 Maine Implementing Act To Authorize the Establishment of a Tribal Court for the Houlton Band of Maliseet Indians and Related Matters" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-561)**

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

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

ENACTORS

Emergency Measure

An Act To Amend the Maine Certificate of Need Act of 2002
(H.P. 974) (L.D. 1395)
(H. "A" H-541 to C. "B" H-497)

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. 139 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.

Acts

An Act To Require Citizen Notification of Pesticide Applications Using Aerial Spray or Air-carrier Application Equipment

(H.P. 896) (L.D. 1293)
(H. "A" H-543 to C. "A" H-522)

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.

An Act To Simplify the Assessment of E-9-1-1 Surcharges on Prepaid Wireless Telecommunications Service

(H.P. 731) (L.D. 1056)
(C. "A" H-270)

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

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

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 (7) **Ought to Pass** - Minority (6) **Ought Not to Pass** - Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Join the Interstate Compact on the National Popular Vote"

(H.P. 49) (L.D. 56)

TABLED - May 13, 2009 (Till Later Today) by Representative TRINWARD of Waterville.

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

On motion of Representative TRINWARD of Waterville, the Bill and all accompanying papers were **COMMITTED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-471)** - Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Unicameral Legislature

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

TABLED - June 1, 2009 (Till Later Today) by Representative BEAUDETTE of Biddeford.

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

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

Representative **VALENTINO**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise today to ask you to vote against the pending motion on the floor and to vote for change, not small incremental change, but significant productive change.

In 1935, Senator Fernald, from Waldo County, introduced the first bill before the Maine Legislature asking for a unicameral body. This is an excerpt from his floor speech. He said: Never were Americans more interested in government than they are now. Recent experience has served to rouse the citizens to an appreciation of the fact that government does make a difference. This new conscientious of the necessity for being well governed has produced an attitude willing to entertain proposals for change. The American people are far from being satisfied with the way state governments are functioning.

This statement rings as true today as it did 74 years ago. In these tough economic times, the Legislature has reviewed and initiated proposals for consolidation, downsizing and belt tightening in all areas of state government. Significant changes were made to schools and correction facilities for tens of millions of dollars in savings. It is because of these changes that I ask you to reevaluate the way the Legislature should be working in the 21st century. All I can ask is you keep an open mind as you listen to this debate unfold.

LD 1424 proposes a one bodied, unicameral Legislature that will save over \$11 million in a biennium budget and give the citizens a more transparent, efficient and accountable form of government. I could spend hours on this subject starting with the Great Compromise at the Continental Convention in 1787, where Benjamin Franklin advocated for a unicameral federal legislature, and end with quotes from every floor speech that I have read in both the Maine House and Senate from 1935 to 1995, but I will not bore you with that. There are more qualified historians in this House who may speak to me after. I realize time is limited. Many of your questions may be addressed in the handouts, which I urge you to check on both sides of.

I've also included a handout which compares Maine to Nebraska. I can assure you that I do not want Maine to become Nebraska. Maine is Maine, but Nebraska has had a unicameral state legislature for 72 years, since 1937, and the system has worked. The basic outline of this bill is to have a part-time citizen Legislature of 151 members. In order for a constitutional amendment to go before the voters, both sides must vote by a supermajority two-third. The voters are not allowed to petition for this, they cannot get signatures, as they get in Nebraska, to put

this item on the ballot. The only way they will get to vote on it is if we decide to send it to the voters. This bill, if approved by the Maine voters, would not take place for a unicameral Legislature until 2014. This gives two, new bicameral Legislatures four years to review and change any statutes and rules that need to be changed. Four years to decide on staffing levels and housekeeping items.

This bill has also been introduced several times since the 1960s, when the United States Supreme Court ruled that states were not allowed to apportion the House and Senate differently. The court stated that both bodies must be apportioned based on population, not geography. The ruling raised doubts about the necessity of having two bodies, both based on population. Many states, including Maine at the time, introduced unicameral legislation, but no state approved the measure. Why? When asked this question, the First Clerk of the Nebraska Legislature was right when he said not many legislators want to vote themselves out of office.

Over the last five months, when I discussed this bill with a colleague, the first question was on preserving the checks and balances of the Constitution. Separation of powers, or checks and balances, refers to the three branches of government: executive, judicial and legislative. It does not refer between the House and the Senate. I contend that a unicameral system corrects the modern day concentration of power that we have seen in the executive and judicial branches of government. We live in an age of executive, bureaucratic and judicial dominance. By concentrating in increasing the authority of the Legislature, the unicameral structure restores the proper balance of power among the three branches of government.

In our system, the shared lawmaking quality does not rest with the Legislature alone. The executive veto, judicial review and, in Maine, the citizen initiative and people's veto are all protections against serious legislative error. Nebraska has safeguards in place to assure that legislation is not made in haste and without examination. Time periods, such as five days from an item appearing on a calendar until a vote can be taken on an issue, are in place. Members are not thrown bills, committee reports or amendments on their desks and asked to vote on them in the next few minutes. They have anywhere from 24 hours to five days to actually read the material, understand the issue and then vote on the amendment or bill. They cannot waive the rules of the debate; have a debate, amendment, first reading, second reading, engrossment and enactment all on the same day, as we have done in this House. What we consider a safeguard, having a bill passed between both bodies, often times acts to shift the responsibility and accountability from one house to the other. We have seen many times, after enactment, that a bill slipped through and needs to be changed in the next session. We need to have only one set of eyes that knows that they are the ones who are fully responsible for reading and understand what they are voting for and against.

When State and Local Government voted on this bill, over a month ago, the vote was 7-6 Ought Not to Pass. After spending time talking in depth with committee members, I think many have embraced this idea. Today I think the vote would be 8-5 Ought to Pass. Actually, it would be 8-4 Ought to Pass, depending on a conversation I had this morning. On May 31st, the *Kennebec Journal* wrote: with this budget, the Legislature has driven home the new reality that we simply can't afford government like we've had for the last 200 years. Let's live up to our Dirigo motto. Let's make Maine the first state in 72 years to become unicameral. Let Maine lead the change in the 21st century for a more transparent, efficient and accountable government with savings over \$11 million. Please vote against the motion of the floor by a two-

thirds majority so we can send this issue to the voters. Madam Speaker, I ask for a roll call. Thank you.

Representative VALENTINO of Saco **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 Lyman, Representative Wagner.

Representative **WAGNER**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Inherent in the constitutional principle of due process is the understanding that from time to time we re-examine and re-evaluate our governmental process, including our governmental structures. Too often we take things for granted.

I am sure that each one of us, at some point in our lives, asked questions such as: "Why do we do it this way? Why are things arranged in this fashion?" Almost without fail the answer is the same: We've always done it this way. The time has come for a closer examination of how our Legislature is structured.

The upper legislative chamber in state government is a colonial legacy, an archaic throwback. The "senate" of that time period was a council of the wealthiest landowners who advised the governor, and their advice was taken because they had the power to set the governor's salary. The other role of the "senate" of old was to review, and often times negate, the actions of the lower house—the chamber which represented the "common" people.

This was the way it was throughout the Union until a pragmatic reformer, George Norris came along. During the stark economic times of the Great Depression, Norris convinced his home State, Nebraska, to economize and adopt a unicameral legislative model. The result: effective, efficient government. Now Madam Speaker, Ladies and Gentlemen, I ask you does Nebraska have a reputation for a dysfunctional system? Do you hear people saying "those crazy Cornhuskers are at it again! Those whacko's with their unicameral legislature!" Not so. It has worked for decades; it can work here as well.

Now the good Representative, the Representative from Saco, Representative Valentino, has discussed the principle concern about this bold measure: checks and balances. The internal legislative rules that Nebraska uses are pretty much comparable to what we have in our joint rules. There is no rush to judgment. There is no immediate introduction to enactment. Balance is maintained.

Ladies and Gentlemen, it's our time, it's our turn to affect a significant change to make our State government more efficient, effective and economically sound. I ask that you please vote against the pending measure Ought Not to Pass. Thank you, Ladies and Gentlemen. Thank you, Madam Speaker.

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

Representative **MARTIN**: Thank you, Madam Speaker. Madam Speaker, Members of the House. If we were to vote for this action today, it would be the second time in our history that we've made an attempt because, actually, this passed the Maine Legislature, at least the House side, a number of years ago, and unfortunately did not get any further than that. When we and the reason why so many think that we ought to have two houses is because one should check the other. In reality, each house uses one another in a play of "let's pass it and the other one can kill it" mode. If the responsibility lied in one house, I'm actually convinced that members would be far more responsible in that one house.

The guide that we had used before was to basically, and we

tried, that every member be called a Senator, in the hope that that would convince the other body that we were not doing away with the Senate. That didn't quite work. But as time has evolved, especially since the *Reynolds v. Sims* decision in the '60s, when the decision was made by the United States Supreme Court that whether you're in the House or the Senate, that both has to be based on population. Prior to that time, there was of course the ability for one body to represent trees and area, the Senate, much as the U.S. Senate does. Unfortunately, we're not protected by the United States Constitution like the United States Senate is, and therefore, when the Supreme Court decision was made in 1966, we went by the wayside in our ability to have at least one Senator from each county. And of course, at that time, the restriction was the largest county could only have four, which obviously drove the representation to the rural areas in the Senate. Today that doesn't exist anymore, so whether or not you're in the Maine Senate or the Maine House, it's simply based on population with a ratio of plus or minus five, in terms of the makeup of the number of people you're going to represent. So in reality, what we have is duplication, and the result, of course, is what we see today. I repeat what I said at the beginning of my comments that if there was only one house, call it what you like, I'm firmly convinced and I don't mean this in a negative sense, that the members would be more responsible at what they vote upon and know that that's the final vote, from that point on it's over to the Executive. That's the bottom line.

How successful do I think we will be today in an attempt to getting this to the voters? I will simply say I remember the vote last time in the other body.

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, too, rise in opposition the pending motion, and everything everybody who has testified and presented so far has done so intelligently and comprehensively, there's not much more I can add. I was of course one of the members of the committee that support this bill, I am a cosponsor, and I am still enthusiastic about the potential that it possesses. So I would appreciate the support and I am also optimistic, though, that the other body might be convinced that 151 delegates could do the job that needs to be done. Thank you, Madam Speaker.

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

Representative **BOLAND**: Thank you, Madam Speaker. I just wanted to rise also to say that I was one of the supporters in committee on this, and it sounded kind of wild when the idea was first suggested, but Representative Valentino had clearly done an enormous amount of research and brought that to our committee and it was really rather compelling. A couple of the things that I thought were important about it were that I thought it would bring more transparency to the process for the voters of Maine, and, frankly, as well as for the legislators, because when bills go back and forth and different folks are talking about different amendments, it's hard to follow what the logic is to some of the changes, and I think that that would be a benefit to the people. Also, of course, when people are trying to get a bill passed, they often focus pretty much on the other body because it's a smaller group of people to influence, and that kind of shifts the important of the House in that direction. So it just seemed to me that things would work out a little bit more equitably for the people and for the legislators working on legislation to be able to all be together seeing it as it works its way through. Thank you.

The SPEAKER: The Chair recognizes the Representative from Buckfield, Representative Hayes.

Representative **HAYES**: Thank you, Madam Speaker. Madam Speaker, Esteemed Colleagues in the House. I'm on the Majority Report that came back to this body from the State and Local Government Committee, but I am among your colleagues who have been persuaded by the good Representative from Saco, and basically because there were two questions that gave me pause that she posed to me. The first was, if we were starting from scratch, would we build it to look like it does right now? The more I thought about that, the conclusion I reached was no, I would not have built it this way. The second question was would we choose to argue and defend the expense of the redundancy in today's economy? Eleven millions dollars. That's what the redundancy that this current system has cost us, and again, the conclusion I reached for myself was, no, I don't think I could defend that. Having given it that thought process, I've arrived at the conclusion that I too will vote to defeat the current pending motion and vote, hoping the opportunity to vote in favor of this concept. Thank you.

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

Representative **BURNS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise to support the idea that we consider the possibilities of a unicameral legislation, not necessarily because I accept that premises. I need to know more about it, I want to have more debate, I want to have more discussion. But I would support passing this so that it could go out to the voters, just as I did a couple of weeks ago when we had an opportunity to reduce the size of our Legislature and make it a more efficient body and reduce it from 151 down to 131. I think voters need an opportunity to speak to this issue. The voters should be able to decide what kind of an institution represents them in this body here, and the only way to do that, from my understanding, is to put it out to the voters. That's why I would vote against the pending motion and urge you to do the same. Thank you, Madam Speaker.

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

Representative **MARTIN**: Thank you, Madam Speaker. I suspect I may be the lone voice to speak in support of the motion of Ought Not to Pass. It's not because I don't like the idea of a unicameral Legislature or that there may not be cost savings, but when I was a kid, I grew up with Schoolhouse Rock. One of the things on television that we've always taught our kids was how the legislative process works, and I'm sure all of you can sing the song: "I'm just a bill sitting here on Capitol Hill". And as a kid that really inspired me to learn more about how our government works. And throughout the past five or six months, I've had a lot of people trying to talk with me about the unicameral.

First of all, I would like to say and congratulate the good Representative from Saco, Representative Valentino, for her amazing and tremendous work on this issue, and I hesitated to rise to speak because of the great work that she has done on this. But I wanted to speak on the other side of the issue on why I will be supporting the motion. First of all, I'm not doing it because I'm trying to protect my job. That has nothing to do with this, because I believe more than anything that I'm here to represent the people of Maine and try to make the best decisions I can for the people of Maine, and I've learned a lot of things during this legislative session. I've learned that the process isn't always clean, it's not always easy, it's quite difficult sometimes, but in my mind, government is set up so that we can't lurch in certain directions, one way or another, when we get a particular idea that for that moment we think that's the greatest idea in the world and we just jump ahead. The way we have, with the two bodies and the Executive Branch, I believe that the House and

other body are a checks and balance on each other. Because I represent a smaller area of people, I'm more connected to the people in my district and I want to make sure that I'm expressing their voice. The other body represents larger geographical, a much more diverse population of people, and they have to think about the issues in a little different way. They're looking a little bit more on the macro level. So I don't see this as duplication, I see it as checks and balances with our system. I've seen it here this year. I've seen how many times we've gone back and forth and, at every opportunity, there's a new way to put an amendment in, there's a new way to call for another vote, there's a new way, and that's set up for a reason. Because at every step along the way, we have an opportunity to check ourselves and say is what we're doing the right thing, can we pull back from the edge because we got swept up in emotion. We've done a lot of discussing this week about school consolidation. I don't always agree that smaller is better. Now I'm not saying that we couldn't run more efficiently and that couldn't make improvement, I'm not saying we couldn't use the \$11 million that will come from this reorganization. But in my mind, I think that, like making sausage, it isn't pretty, but the goal is to have a good product when you come out at the end that we can all live with. So with all due respect, I'll be supporting the Ought Not to Pass motion. Thank you, Madam Speaker.

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

Representative **VALENTINO**: Thank you, Madam Speaker. Madam Speaker, I just wanted to address the fact on the checks and balances, the separation of powers. This has been the one question that is posed before me every time I mention the unicameral Legislature, and every single time it comes back to what we have just heard: fourth grade. We learned in the fourth grade that there is a House and a Senate and we need to get beyond that thinking. We have all been here. I've been here for five years. Some of you have been here for many, many years, since the 1960s. Many of the cosponsors of my bill were here in 1995 and actually voted for the unicameral Legislature in 1995. I think we need to get beyond the fourth grade government class on the two houses and realize in the real world up here in Augusta how we work as far as the efficiencies go, as far as sending it back and forth, there is a chance to do it better, to do it more transparent, more efficient and more accountable and to save the taxpayers over \$11 million.

I also want to address the one fact about being swept up in emotion that we've heard, that it's a good thing because we've been swept up in emotion and the other body comes back and saves us. We should not be swept up in emotion on our votes. The citizens elected us to be here, to read these bills, to read the amendments, to know what we are voting on before we vote, and that's why Nebraska, in their unicameral Legislature, has timelines to slow things down. You don't have amendments and papers being put on your desk or thrown on your desk at the last minute. I don't know how many times, I serve on two different committees, I've seen a House Amendment come to my desk from a committee that I am on and I have no idea what the amendment is even about, and I am on that committee, it has come through. These are the types of things that we should be slowing down and we should be realizing. We should not be voting because we are swept up on emotion. We should know that we are the final vote and no matter what we do, we have to be accountable for that vote. And I agree with the good Representative from Eagle Lake, when he stated that he has seen this. He knows that we need to be accountable for every vote here. I would also be very remiss if not mentioning that this

was nonpartisan support on the committee, and when I do sit down, I will ask that the Committee Report be read on that.

I also want to enter into the record two of my bigger supporters today. One is driving frantically to get here, the good Representative from Farmington, and I fear he will not make it. He had a great speech planned. My other is the good Representative from Portland, who is very ill and was not able to be here, and has been working on a speech for five months, and I think we would have been in awe of the good Representative from Portland, Representative Adams. I think he is listening, so I want to give a good shout out to him. I was very tempted, Representative Adams, to pull your speech. I do have it, of course, at my fingertips, from 1993, and I would have read it into the record but I do not feel the House wants that. They can read it themselves right now. But I did want to put on for the record, and thank you for all of your help that you've been.

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

Representative **BERRY**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I also rise in opposition to the pending motion, and I want to thank the committee and the good Representative from Saco, Representative Valentino, for amending this bill to change the numbers from 105, in a new unicameral Legislature, to 151, because I think that we all realize, and many of us in fact voted this way the other day on a related bill, that this body is the closest to the public. This is where the public of Maine gets their most direct democracy and their most direct connection to the people that represent them.

The previous bill that I referred to, while it was very well-intentioned and many I think supported it for very good reasons, would have saved \$0.68 per person in Maine, and it would have done so at a 15 percent cost to our direct democracy for the access that folks have to their representatives currently—\$0.68 at a 15 percent loss, and this will would save us about \$7.50 per Mainer at no cost to our direct democracy.

Now I want to point out too that, in my view at least, opposing this motion is no slight to our colleagues in the other body, our friends in the other body. Some of them, in fact, were this to pass, would come over here and serve with us, and I'm sure that, for the most part, we would welcome them.

Passing this bill would be a personal sacrifice to many of us, but I think institutionally, it would be a step forward. There are many countries and many provinces, all the provinces of our neighbor to the north, for example, which currently operate under a unicameral system. I see no harm in going forward and certainly no harm in direct democracy in the State of Maine. Thank you, Madam Speaker.

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

Representative **WATSON**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I was truly undecided on this matter, have been all along, having engaged in discussions with people who favor it on either side, either favor or oppose it, but the presentation of the good Representative from Orono kind of pushed me over the edge. The checks and balances argument. Think about that for a minute. How many times have you passed a closed group of people in the hall and heard, Oh, don't worry about it, we'll get it killed in the Senate? In fact, if you think about a lot of measures that have moved through here, perhaps too quickly, but have moved from this body to the other body, you note that it's not a great uprising our constituents who are convincing the members of other body to take some action and counter what the House has done, but rather that seems to be the focus of the paid lobby

in the State House chambers because they know the power is concentrated there.

In the earlier bill, referred to by my good friend, the Representative from Bowdoinham, I took a strong position against reducing the number of seats in this House, primarily because of the power shift that would be involved to the other end of the hall. That power shift is in fact what has come back to me and thought as to why this idea, brought by the good Representative from Saco, might just be a good idea. It runs counter to everything else that I do. I am a historian, and I fancy myself a lawyer with some constitutional law training. I am very hesitant to propose amendments to our Constitution. I think that it's a working document that has lived a long life and for good reason and it should not be tampered with lightly. On the other hand, times have changed; perhaps we do need to rethink how we act here. The Representative from Saco, the good Representative Valentino, has pointed out that House Rules or new chamber rules would have a number of years to develop and percolate as to how legislation would flow through a unicameral body, would force us to slow down, make sure that our decisions are the correct ones. We still have a Chief Executive and judiciary who are, under their constitutional duties, providing the necessary checks and balances against the legislative body. I guess, all in all, this is one of those rare occasions in my seven years here that I've sat in on a floor debate and actually have been swayed one way or the other as to how I was thinking before I walked in. I will oppose the pending motion and I will support this measure, and I want to congratulate my colleague, the good Representative from Saco, for bringing this forward and doing as much homework as was necessary to make it plausible to someone like me. Thank you, Madam Speaker.

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

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

The SPEAKER: The Representative may pose her question.

Representative **RUSSELL**: Thank you, Madam Speaker. Does Nebraska have term limits, and if they do not, how would term limits impact our institutional memory here in the Legislature?

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

Representative **VALENTINO**: Thank you very much, Madam Speaker. Nebraska has just instituted term limits. Their members run for a four year term and they do have term limits on it. Term limits, in the State of Maine, are governed by statute. Term limits are not part of the Constitution. That's why, if you'll notice the green sheet that I passed out to everybody, as far as the timeline goes on it, the timeline is that the voters and all of us will have over a year and a half to thoroughly debate this issue before anybody gets to vote for it. This is not going out in November for the voters. We will have ample time for editorials and everything else. If they vote for it in a year from this November, then we will have four years, two bicameral Legislatures, to review statutes and rules. Term limits are under statutes so those could be changed during that four year period of time, by either the Legislature or by the voters, and they could be extended, they could be eliminated. This bill only deals with constitutional items, so I think institutional knowledge will be preserved under a unicameral Legislature, but that's not the term limits under the Constitution. That's statute which is dealt with separately.

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

Representative **PRATT**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. In an attempt to give my good friends from Farmington a chance to get here, I will offer a few things. One of the things that I haven't heard mentioned, that I think is important that I think people need to understand, is we already have joint standing committees. A lot of these Legislatures that are bicameral don't have joint standing committees and folks from one body meet together and folks from another body meet together, and it makes things even more difficult. I feel as though here in the State of Maine we're halfway there already. This work is being done, it seems a waste of time and you've heard these words already and I'll say them again, redundant and duplicative, to do this here. I would urge folks to sit down and think does this make sense, and to me, at this juncture, it does, it makes sense to me.

The thing that swayed me the most in this idea of balance of power, which, I as a historian, has been drilled into my head, and I think I understand the reasoning why people talk about that and the ideas that float back and forth between the two bodies. But this idea of slowing it down, I think is really what put me into a place where I'm okay with this idea of a unicameral Legislature. I think that's the most important piece, because I can't agree more with the good Representative from Saco and others who have mentioned how quickly we move things in order to get something out of this body and down to the other end so they can send it back to us. If we slowed it down and took a deep breath and looked at what were doing, I think we would need less of that idea of balance of power and we wouldn't need to check each other. Personally, I've seen a whole lot of check from the other end and maybe not a whole lot of balance. To me, I think two things: The fact that we already have joint standing committees where a lot of this work is being done together already and that we're slowing it down under this proposal to make sure that we know what we're doing and we have the responsibility to act in good faith, as we all do, those are the reasons I would support a unicameral and would vote against the pending motion. I thank you for your time.

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

Representative **MacDONALD**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I rise in opposition to the current motion and in support of a unicameral Legislature. I think a unicameral Legislature will increase the power of the people in this state, and I think about it this way: We have 17 small committees in our Legislature and a small other body. Those small committees and the small other body are more easily, I'll use the word attacked, I don't mean that in a negative way but are attacked more easily by the organized lobby than we are. We are a big, amorphous people's body. And I think if we have one of us, it will be harder to the organized lobby to distort the results that can happen in the Legislature by just targeting two or three people in one committee, or two or three other people in the other body. I truly believe that having one single large body will increase the voice of the people, the natural voice of the people that comes through us and not through the organized lobby. Therefore, I support this unicameral Legislature and I oppose the current motion. Thank you, Madam Speaker.

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

Representative **WEBSTER**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I'm listening carefully to the debate and I did so also in our caucus and tossing in my mind, really struggling with the pros and cons

of this. As I do so, I recall as a freshman being very excited an idea, an issue, and I remember talking with a legislator more experienced than I, who is no longer here in this body nor in the other body, and I said why don't you support this, it's a great idea. He was a person who was one too often to quote the Federalist Papers. He said I think it's good idea also, but I'm very, very thoughtful about constitutional change and I tend to weigh against such things. So as I weigh the conversation and the decision before this body, I ask you to take that experienced legislator's thoughts to heart and recognize that we should not tread thoughtlessly or carelessly on something that was crafted so thoughtfully and carefully. Thank you.

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

Representative **BOLAND**: Thank you, Madam Speaker. I apologize for rising a second time, but I'm not sure if the point was made that in having three branches of government, the administrative branch and the judicial branch are both united bodies that speak with one voice. I think it would strengthen the voice of the people to have one united voice as the Legislature, as opposed to two bodies that sometimes are somewhat warring with each other. I think that's an important thing also to remember. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **MAZUREK**: By going to a unicameral Legislature would this necessitate the House or the body going to a full-time Legislature rather than what we are, a part-time Legislature?

The SPEAKER: The Representative from Rockland, Representative Mazurek has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Saco, Representative Valentino.

Representative **VALENTINO**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. In answer to the question, no. As mentioned in my opening statement, this will still remain a part-time citizen Legislature. As shown also on our comparison sheets, which I want to call to your attention again, is the comparison in Nebraska, where they have a unicameral Legislature. Maine has a population of 1.3 million; Nebraska has a population of 1.7 million. Nebraska has twice the square area as the State of Maine does. I'm proposing in this bill, or what the State of Local Government Minority Report is proposing in this bill, to go 151 members. Nebraska works on 49 members. Nebraska is already out of session. They have two sessions: one 90 days, one 60 days. They represent 1.7 million people with 49 people on a part-time basis, and they are out of session as we speak. So yes, Maine will remain a part-time citizen's Legislature.

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

Representative **BUTTERFIELD**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I certainly wouldn't want my good friend, the Representative from Orono, Representative Martin, to be the only person to rise in opposition to this measure today. So with the utmost respect for those who have spoken on the other side, I would also rise in support of the pending motion Ought Not to Pass, and I give you the reason, the safe haven law, controversy from Nebraska last year. For any of you who aren't familiar with what happened here, the safe haven law is simply a way to protect parents of young infants from repercussions for dropping those children off

at hospital. Nebraska passed such a law last year and, in the span of four months, a variety of kids from a variety of ages, from a variety of states in fact, were dropped off and the law of unintended consequences took hold and this became sort of a crisis for Nebraska. They ended up having to come back into special session to fix that law. That, I fear, is the kind of thing we would open the door to by going to a single chamber. Am I frustrated sometimes by bouncing things back and forth between here and the other body and seeing things that I favor not getting the same kind of favorable reception at the other end of the hall? Yes. Am I happy or would I be happy in a situation if something like the safe haven law, if in that back and forth we caught this mistake before it turned into a crisis? Yes. So Madam Speaker, balancing my frustration with the process sometimes against that potential for unintended consequences, I will support the pending motion Ought Not to Pass and I urge others to do the same. Thank you, Madam Speaker.

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

Representative **FLAHERTY**: Thank you, Madam Speaker. I'm a little missed that my good seatmate, the good Representative from Portland, Representative Adams couldn't be here, so I want to talk briefly about the history of how we got senators in the Federal Government, and I'm going to read directly from Federalist Papers, No. 62: The qualifications proposed for senators, as distinguished from those of representatives, consist of "in a more advanced age and a longer period of citizenship. A senator must be thirty years of age at least; as a representative must be twenty-five. And the former must have been a citizen nine years; as seven years are required for the latter. The propriety of these distinctions is explained by the nature of the senatorial trust, which, requiring greater extent of information and stability of character, requires at the same time that the senator should have reached a period of life most likely to supply these advantages; in which, participating immediately in transactions with foreign nations, ought to be exercised by none who are thoroughly weaned from the prepossessions and habits incident of foreign birth." So Ladies and Gentlemen of the House, one of reasons that we ended up with a Senate in the United States Federal Government is because they were concerned about relations with the foreign governments.

Additionally, I'll go on from the Federalist Papers very briefly, is that "Among the various modes which might have been devised for constituting this branch of the government, that which has been proposed by the convention is probably the most congenial with the public opinion. It is recommended by the double advantage of favoring a select appointment, and of giving to the State governments such an agency in the formation of the federal government as must secure the authority of the former, and may form a convenient link between the two systems." Therefore, Hamilton and Madison are saying that one of the reasons that the convention ended up with the senators is to help the state governments out in forming a constitution and getting a more cohesive branch of government. We don't have that problem in state government, and it would seem very clear to me that the intent of the founders and the framers our Constitution is not certainly anything to do with state government and only in federal government. Thank you, Madam Speaker.

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

Representative **HARLOW**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. When we first started off as a country, we were federalism, and we were basically unicameral because the senators were not elected, they were appointed by the House of Representatives and we saw

how well that worked. In 1876, we dropped it, when they fixed an election, in *Rutherford B. Hayes v. Tilden*. So I don't want to see this happen again here. I don't think it will, but thank you, Madam Speaker and Ladies and Gentlemen of the House.

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

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

The SPEAKER: The Representative may pose his question.

Representative **FITTS**: In looking at some of the handouts, it becomes obvious that there is a major difference between our structure here in Maine and that of Nebraska, in that in Nebraska, their elections are nonpartisan. Is that also a part of this bill?

The SPEAKER: The Representative from Pittsfield, Representative Fitts has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Saco, Representative Valentino.

Representative **VALENTINO**: Thank you very much, Madam Speaker. No, this bill does not call for nonpartisan elections. This is one of the things that was discussed in the committee, it was never part of my bill. We would still have partisan elections on that. When I came here my first year, there was only a one vote difference between this House, so I think the partisan elections have worked well. The two years before that, when I was not here, there was also a one vote difference and, as you'll recall, the good Representative from Falmouth, Representative Woodbury was chair of the committee. I think it's always been an issue that it could go either way in this House chamber, and it has been very, very close many times that we have been here, and certainly since I have been here, there's only been one vote difference between these two bodies, so it will remain partisan. Thank you.

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

Representative **CELLI**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. It's a shame that this wouldn't make the unicameral Legislature nonpartisan. I think that's one of the biggest reforms that we need to make in government in the United States. There is nothing in the Constitution that speaks about governing by parties, yet we are, and I don't think it's the right way, I don't think it's the most effective way. So I would be more in support of this legislation if it also did away with party majorities and minorities. Thank you.

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

Representative **GILES**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise to follow up on Representative Fitts' question, not that I can answer it, but I do have a neighbor who is retired and from Nebraska and has always spoken very well of the unicameral Legislature there. However, he has always stressed it works very well because it is nonpartisan. 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 didn't make my position very clear. I am going to be supporting this motion. Thank you, Madam Speaker and Ladies and Gentlemen.

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. 212

YEA - Ayotte, Beaudoin, Blodgett, Briggs, Butterfield, Campbell, Carey, Cebra, Cleary, Cornell du Houx, Cotta, Crafts,

Cray, Crockett J, Curtis, Cushing, Davis, Eberle, Fitts, Flemings, Gifford, Giles, Goode, Greeley, Hamper, Hanley, Harlow, Hogan, Innes Walsh, Jones, Joy, Magnan, Martin JR, McKane, McLeod, Millett, Morrison, Nass, Nutting, Pinkham, Priest, Richardson D, Richardson W, Robinson, Rotundo, Russell, Sarty, Saviello, Shaw, Stevens, Sutherland, Sykes, Thibodeau, Thomas, Webster, Wheeler.

NAY - Austin, Beaudette, Beaulieu, Beck, Berry, Bickford, Blanchard, Boland, Bolduc, Browne W, Bryant, Burns, Cain, Casavant, Celli, Chase, Clark H, Clark T, Cohen, Connor, Crockett P, Dill, Dostie, Driscoll, Duchesne, Eaton, Edgecomb, Eves, Finch, Flaherty, Fletcher, Flood, Fossel, Gilbert, Haskell, Hayes, Hill, Hinck, Hunt, Johnson, Kaenrath, Kent, Knapp, Knight, Kruger, Lajoie, Langley, Legg, Lovejoy, MacDonald, Martin JL, Mazurek, McCabe, McFadden, Miller, Nelson, O'Brien, Pendleton, Percy, Peterson, Pieh, Pilon, Piotti, Plummer, Pratt, Prescott, Rankin, Rosen, Sanborn, Schatz, Sirois, Smith, Strang Burgess, Stuckey, Theriault, Tilton, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Weaver, Welsh, Willette, Wright, Madam Speaker.

ABSENT - Adams, Harvell, Lewin, Peoples, Perry, Tardy.

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

56 having voted in the affirmative and 89 voted in the negative, with 6 being absent, and accordingly the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**.

Subsequently, on motion of Representative HAYES of Buckfield, the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The RESOLUTION was **READ ONCE**. **Committee Amendment "A" (H-471)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the RESOLUTION was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-471)** and sent for concurrence.

HOUSE DIVIDED REPORT - Report "A" (10) **Ought to Pass as Amended by Committee Amendment "A" (H-503)** - Report "B" (2) **Ought Not to Pass** - Report "C" (1) **Ought to Pass as Amended by Committee Amendment "B" (H-504)** - Committee on **JUDICIARY** on Bill "An Act To Enact the Uniform Prudent Management of Institutional Funds Act"

(H.P. 981) (L.D. 1402)

TABLED - June 3, 2009 (Till Later Today) by Representative PRIEST of Brunswick.

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

Subsequently, Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-503)** was **READ** by the Clerk.

Representative PRIEST of Brunswick **PRESENTED House Amendment "A" (H-559)** to **Committee Amendment "A" (H-503)** which was **READ** by the Clerk.

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

Representative **PRIEST**: Thank you, Madam Speaker. Madam Speaker, fellow Representatives. This bill is the Uniform Prudent Management of Institutional Funds Act. It applies to charitable nonprofit corporations, especially colleges, and it requires them to prudently manage their endowment funds. They have to set up a policy and do a prudent investment and abide by

that policy and a number of other things. UPMIFA, as it's called, has been an enacted 35 states; it is being considered now in 10 states, including Maine.

The committee, as you probably are aware, was initially split. We had three reports on this matter. We have worked together with the Attorney General and with the Uniform Commissioners on State Laws to come up with language that would satisfy everybody, and we have done so. Essentially, this amendment will adopt New Hampshire language, language which New Hampshire used in enacting its UPMIFA law. It essentially requires notification to the Attorney General of the intent of an institution to adopt the provisions of this law. So it provides some oversight to institutions using this law. It recognizes, again, that there has to be prudent use of any funds that are in endowment funds. So we have, as I understand it, unanimity in the committee. Again, the AG is on board, the Uniform Commissioners on State Laws is on board, and I would urge you to adopt the amendment. Thank you.

Subsequently, **House Amendment "A" (H-559) to Committee Amendment "A" (H-503) was ADOPTED.**

Committee Amendment "A" (H-503) as Amended by House Amendment "A" (H-559) 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-503) as Amended by House Amendment "A" (H-559)** thereto and sent for concurrence.

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

BILLS HELD

An Act To Amend the Laws Governing the Consolidation of School Administrative Units To Delay All Penalties for One Year (EMERGENCY)

(H.P. 225) (L.D. 285)
(C. "A" H-352)

- In House, **FAILED OF PASSAGE TO BE ENACTED.**
HELD at the Request of Representative PILON of Saco.

On motion of Representative PILON of Saco, the House **RECONSIDERED** its action whereby the Bill **FAILED PASSAGE TO BE ENACTED.**

Representative SCHATZ of Blue Hill **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.

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. 213

YEA - Austin, Ayotte, Beaudette, Beaudoin, Beaulieu, Berry, Bickford, Blanchard, Blodgett, Boland, Browne W, Burns, Casavant, Cebra, Celli, Chase, Clark H, Clark T, Cleary, Cornell du Houx, Cotta, Crafts, Cray, Crockett J, Crockett P, Curtis, Cushing, Davis, Dill, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Finch, Fitts, Flemings, Fletcher, Flood, Fossel, Gifford, Gilbert, Giles, Greeley, Hamper, Hanley, Harvell, Hill, Hinck, Hunt, Innes Walsh, Johnson, Jones, Joy, Kaenrath, Kent,

Knapp, Knight, Kruger, Lajoie, Langley, MacDonald, Magnan, Mazurek, McCabe, McFadden, McKane, McLeod, Morrison, Nass, Nutting, O'Brien, Pendleton, Peoples, Percy, Pieh, Pilon, Pinkham, Piotti, Pratt, Prescott, Richardson D, Richardson W, Rosen, Sarty, Saviello, Schatz, Shaw, Sirois, Stevens, Strang Burgess, Stuckey, Sutherland, Sykes, Theriault, Thibodeau, Thomas, Tilton, Treat, Trinward, Tuttle, Wagner J, Wagner R, Watson, Weaver, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Beck, Bolduc, Briggs, Bryant, Butterfield, Cain, Campbell, Carey, Cohen, Connor, Dostie, Eves, Flaherty, Goode, Harlow, Haskell, Hayes, Hogan, Legg, Lovejoy, Martin JR, Martin JL, Miller, Millett, Nelson, Peterson, Plummer, Priest, Rankin, Robinson, Rotundo, Russell, Sanborn, Smith, Van Wie, Webster.

ABSENT - Adams, Lewin, Perry, Tardy, Valentino.

Yes, 110; No, 36; Absent, 5; Excused, 0.

110 having voted in the affirmative and 36 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.

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

On motion of Representative JONES of Mount Vernon, the House adjourned at 11:24 a.m., until 9:00 a.m., Wednesday, June 10, 2009.