

MAINE STATE LEGISLATURE

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

Volume II

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Second Regular Session


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Pages 609-1214

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
SECOND REGULAR SESSION
16th Legislative Day
Thursday, February 25, 2010

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

Prayer by Reverend Robert T. Amuzzini, Jr., Assemblies of God, Limestone .

National Anthem by Students from the Governor Baxter School for the Deaf, Falmouth with Honorable Leila J. Percy, Phippsburg. 

Pledge of Allegiance.

Doctor of the day, Kenneth Johnson, D.O., F.A.A.O., Scarborough.

The Journal of Tuesday, February 23, 2010 was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 278)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

February 23, 2010

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333-0002

Dear Clerk MacFarland:

Pursuant to my authority under Title 10, §1079, I am pleased to appoint Jean Dempster as a member of the Advisory Committee on Family Development Accounts representing a community development organization.

If you have any questions regarding this appointment, please feel free to contact me.

Sincerely,

S/Hannah M. Pingree

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 279)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

February 22, 2010

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333-0002

Dear Clerk MacFarland:

Pursuant to my authority under Title 38, §551-A, I am pleased to reappoint Timothy W. Kipp of Scarborough to serve as a member of the Oil Spill Advisory Committee.

If you have any questions regarding this appointment, please feel free to contact me.

Sincerely,

S/Hannah M. Pingree

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 657)

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

February 23, 2010

Honorable Hannah M. Pingree

Speaker of the House

2 State House Station

Augusta, ME 04333-0002

Dear Speaker Pingree:

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

Upon the recommendation of the Committee on Criminal Justice and Public Safety, the nomination of Richard L. Hanley of Winthrop for appointment to the State Board of Corrections.

Upon the recommendation of the Committee on Judiciary, the nomination of Honorable Wayne R. Douglas of Ocean Park for reappointment as a District Court Judge.

Upon the recommendation of the Committee on Judiciary, the nomination of Honorable William S. Brodrick of Moody for reappointment as an Active Retired Superior Court Justice.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands and the Department of Inland Fisheries and Wildlife

(H.P. 1291) (L.D. 1803)

Sponsored by Representative PIEH of Bremen. (GOVERNOR'S BILL)

Cosponsored by Representative: CLARK of Millinocket, Senators: BRYANT of Oxford, NUTTING of Androscoggin.

Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and ordered printed.

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

Sent for concurrence.

Bill "An Act To Authorize a General Fund Bond Issue To Create Access to Dental Care throughout the State"

(H.P. 1286) (L.D. 1798)

Sponsored by Representative CONNOR of Kennebunk.

Cosponsored by Senator COURTNEY of York and Representatives: BEAUDETTE of Biddeford, BEAUDOIN of Biddeford, BERRY of Bowdoinham, BOLAND of Sanford, BRYANT of Windham, BUTTERFIELD of Bangor, CAIN of Orono, CAMPBELL of Newfield, CASAVANT of Biddeford, CLARK of Millinocket, CLEARY of Houlton, COHEN of Portland, DILL of Cape Elizabeth, DRISCOLL of Westbrook, EBERLE of South Portland, FLAHERTY of Scarborough, HARLOW of Portland, HASKELL of Portland, HILL of York, HINCK of Portland, HOGAN of Old Orchard Beach, HUNT of Buxton, JONES of Mount Vernon, LEGG of Kennebunk, MARTIN of Eagle Lake, MAZUREK of Rockland, McCABE of Skowhegan, MILLER of Somerville, MITCHELL of the Penobscot Nation, MORRISON of South Portland, NASS of Acton, NELSON of Falmouth, PERCY of Phippsburg, PERRY of Calais, PIEH of Bremen, PILON of Saco, Speaker PINGREE of North Haven,

SANBORN of Gorham, SHAW of Standish, STRANG BURGESS of Cumberland, TREAT of Hallowell, TRINWARD of Waterville, TUTTLE of Sanford, VALENTINO of Saco, WAGNER of Lyman, WAGNER of Lewiston, WATSON of Bath, WEAVER of York, WEBSTER of Freeport, WRIGHT of Berwick, Senators: ALFOND of Cumberland, BARTLETT of Cumberland, BRANNIGAN of Cumberland, DIAMOND of Cumberland, GOOLEY of Franklin, HOBBS of York, NASS of York, PERRY of Penobscot, RECTOR of Knox, SHERMAN of Aroostook, SULLIVAN of York, TRAHAN of Lincoln.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

Sent for concurrence.

Bill "An Act To Exempt Personal Constituent Information from the Freedom of Access Laws"

(H.P. 1288) (L.D. 1802)

Sponsored by Representative HILL of York.

Cosponsored by Senator HOBBS of York and Representatives: PIOTTI of Unity, PRIEST of Brunswick, Senator: BARTLETT of Cumberland.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **JUDICIARY** suggested and ordered printed.

REFERRED to the Committee on **JUDICIARY** and ordered printed.

Sent for concurrence.

Pursuant to Statute

Maine Commission on Indigent Legal Services

Representative PRIEST for the **Maine Commission on Indigent Legal Services** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 2: Standards for Qualifications of Assigned Counsel, a Major Substantive Rule of the Maine Commission on Indigent Legal Services (EMERGENCY)

(H.P. 1283) (L.D. 1795)

Be **REFERRED** to the Committee on **JUDICIARY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

Pursuant to Statute

Department of Environmental Protection

Representative DUCHESNE for the **Department of Environmental Protection** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 881: Fees; Chemical Use in Children's Products, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)

(H.P. 1284) (L.D. 1796)

Be **REFERRED** to the Committee on **NATURAL RESOURCES** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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

ORDERS

On motion of Representative HARLOW of Portland, the following Joint Resolution: (H.P. 1290) (Cosponsored by Senator DAMON of Hancock and Representatives: BROWNE of Vassalboro, CAIN of Orono, CRAY of Palmyra, PEOPLES of Westbrook, ROBINSON of Raymond, ROTUNDO of Lewiston, THERIAULT of Madawaska, TREAT of Hallowell, WEBSTER of Freeport, Senators: CRAVEN of Androscoggin, DIAMOND of Cumberland, GOOLEY of Franklin)

JOINT RESOLUTION IN SUPPORT OF THE ANNUAL WASHINGTON JUNETEENTH NATIONAL HOLIDAY OBSERVANCE

WHEREAS, for more than 143 years, Juneteenth National Freedom Day, also known as Emancipation Day, Emancipation Celebration, Freedom Day, Juneteenth Independence Day and Juneteenth, has been one of the most recognized African-American holiday observances in the United States; and

WHEREAS, Juneteenth commemorates the day freedom was proclaimed to all slaves in the South by Union General Gordon Granger, on June 19, 1865 in Galveston, Texas, more than 2 1/2 years after the signing of the Emancipation Proclamation by President Abraham Lincoln; and

WHEREAS, Juneteenth commemorates the determination of the first people from Africa, approximately 11,500,000 of whom survived the awful voyages across the Atlantic and who were brought to this country to serve as slaves and whose descendants served as slaves for 200 years before the horrific system was abolished; and

WHEREAS, over 130 years after the Emancipation Proclamation and after years of informal annual celebration, Juneteenth was finally officially recognized in 1997 as Juneteenth Independence Day in America by the President of the United States and the United States Congress in the first session of the 105th Congress with bipartisan cooperation in Senate Joint Resolution 11 and House Joint Resolution 56; and

WHEREAS, "Until All are Free, None are Free" is an oft-repeated maxim that can be used to highlight the significance of the end of the era of slavery in the United States; and

WHEREAS, the National Juneteenth Observance Foundation is sponsoring the premier celebration, concert, worship services and campaign to commemorate what many people consider to be America's 2nd Independence Day Observance, the "19th of June," and to recognize this country's movement towards a "One America"; and

WHEREAS, it is important to continue a dialogue of the realization of what Juneteenth historically means to all Americans, to promote racial healing, reconciliation, restoration and justice; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fourth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, support the National Juneteenth Holiday campaign and encourage people in our State to participate in the Annual Washington Juneteenth National Holiday Observance during the week of June 19th in Washington, D.C.

READ.

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

Representative **HARLOW**: Juneteenth Day is a National Freedom Day, also known as Emancipation Day, one of the most recognized African-American holiday observances in the United States. It commemorates the day freedom was proclaimed to all slaves in the South by Union General Gordon Granger in Galveston, Texas, 2 1/2 years after the signing of the Emancipation. Over 130 years, this was officially recognized in 1997 as Juneteenth Independence Session and Independence Day of America. This was presented by the session of the 105th Congress. It was completely bipartisan. What many people consider this day to be is America's 2nd Independence Day. What I'm trying to do is to get people to recognize this day, and I checked to make sure it wasn't spam, there was no call from England. Actually, the call was from Louisiana I got from my doctor, I called to make sure it wasn't spam, and he was very sincere and very excited about it. Thank you very much, Madam Speaker and Ladies and Gentlemen of the House.

Subsequently, the Joint Resolution was **ADOPTED**.

Sent for concurrence.

On motion of Representative CAMPBELL of Newfield, the following Joint Resolution: (H.P. 1287) (Cosponsored by President MITCHELL of Kennebec and Representatives: BEAUDOIN of Biddeford, BERRY of Bowdoinham, BLANCHARD of Old Town, BUTTERFIELD of Bangor, CAIN of Orono, CHASE of Wells, CLARK of Millinocket, CONNOR of Kennebunk, DOSTIE of Sabattus, EVES of North Berwick, FINCH of Fairfield, GILBERT of Jay, GOODE of Bangor, HARLOW of Portland, HASKELL of Portland, HUNT of Buxton, JONES of Mount Vernon, KNIGHT of Livermore Falls, LEGG of Kennebunk, MacDONALD of Boothbay, MAZUREK of Rockland, McLEOD of Lee, MITCHELL of the Penobscot Nation, PEOPLES of Westbrook, Speaker PINGREE of North Haven, PRATT of Eddington, SIROIS of Turner, STRANG BURGESS of Cumberland, STUCKEY of Portland, SUTHERLAND of Chapman, WAGNER of Lyman, WHEELER of Kittery, Senators: ALFOND of Cumberland, BARTLETT of Cumberland, BLISS of Cumberland, BOWMAN of York, BRANNIGAN of Cumberland, COURTNEY of York, CRAVEN of Androscoggin, DAMON of Hancock, DAVIS of Cumberland, DIAMOND of Cumberland, GERZOFKY of Cumberland, GOOLEY of Franklin, HOBBS of York, JACKSON of Aroostook, MARRACHÉ of Kennebec, McCORMICK of Kennebec, MILLS of Somerset, PERRY of Penobscot, PLOWMAN of Penobscot, RAYE of Washington, RECTOR of Knox, SCHNEIDER of Penobscot, SHERMAN of Aroostook, SULLIVAN of York, TRAHAN of Lincoln) (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 ISSUE THE \$250 ONE-TIME PAYMENT TO SOCIAL SECURITY RECIPIENTS

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

WHEREAS, the Social Security Administration announced there will be no cost-of-living increase for 57,000,000 Social Security beneficiaries in 2010 because consumer prices have fallen; and

WHEREAS, this year marks the first time that Social Security benefits have not increased annually since the cost-of-living adjustment requirement was put into effect in 1975; and

WHEREAS, to help people who are not getting a cost-of-living increase, President Obama has called on Congress to send a \$250 relief payment to every Social Security recipient, disabled veteran, railroad retirement recipient and citizen who receives a federal or state pension instead of Social Security to ease the economic strain; and

WHEREAS, the government issued a \$250 relief payment last year; and

WHEREAS, this proposed \$250 payment is roughly equal to only a 2% increase in benefits for the average Social Security beneficiary and last year Social Security beneficiaries got a 5.8% cost-of-living adjustment, the largest since 1982, largely because of the jump in energy prices; and

WHEREAS, Congress approved a similar payment as part of the American Recovery and Reinvestment Act of 2009 and, as with that payment, this 2nd payment would be exempt from income tax and provide immediate relief to those most in need; 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 the United States Congress pass legislation in order to send \$250 to every Social Security recipient, disabled veteran, railroad retirement recipient and citizen who receives a federal or state pension instead of Social Security to offset the lack of a cost-of-living raise in benefits from Social Security in 2010; 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.

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

Representative **CAMPBELL**: I put this resolution in because the President of the United States promised the seniors and most of the Congress agreed, and that's why I'm putting this in so hopefully that he'll come through with his promise. Thank you.

Subsequently, the Joint Resolution was **ADOPTED**.

Sent for concurrence.

On motion of Representative TRINWARD of Waterville, the following Joint Order: (H.P. 1289)

ORDERED, the Senate concurring, that the Joint Standing Committee on Legal and Veterans Affairs shall report out, to the House, a bill regarding the direct initiative process.

READ and PASSED.

Sent for concurrence.

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 39)

ORDERED, that Representative Elizabeth S. Miller of Somerville be excused February 17 and 18 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Leila J. Percy of Phippsburg be excused February 17 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Sharon Anglin Treat of Hallowell be excused February 23 for legislative business.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Karl Eliot Douin, of Hollis, a student at Bonny Eagle High School and one of two delegates chosen to represent Maine in the 48th annual United States Senate Youth Program in Washington, D.C. The United States Senate Youth Program was established in 1962 and is a unique educational experience for outstanding high school students interested in pursuing careers in public service. We congratulate Karl on his achieving this distinction of representing Maine in our Nation's capital and we send him our best wishes;

(HLS 903)

Presented by Representative HUNT of Buxton.
Cosponsored by Senator DIAMOND of Cumberland.

On **OBJECTION** of Representative HUNT of Buxton, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Buxton, Representative Hunt.

Representative **HUNT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I am proud to recognize Eliot. This achievement is a culmination of years of hard work and dedication. In Washington, Eliot will be able to experience national government in action. Student delegates will hear major policy addresses by senators, cabinet members, officials of the Departments of State and Defense, and directors of the federal agency, as well as participate in meetings with the Justice of the U.S. Supreme Court.

Eliot is a top student, a member of the Mock Trial Team and is a regular contributor at all school events. As a teacher, it is your hope that your students are hardworking, curious and self motivated. Eliot embodies all of these. Eliot will undoubtedly represent us well. There is no doubt that Eliot has a very promising future. He should be very proud of his accomplishments and opportunities. I know I am. Thank you.

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

REPORTS OF COMMITTEE

Refer to the Committee on Natural Resources

Pursuant to Public Law 2009, chapter 412, Part B, section 2

Representative DUCHESNE for the **Joint Standing Committee on Natural Resources** on Bill "An Act Regarding Solid Waste Facilities"

(H.P. 1282) (L.D. 1794)

Reporting that it be **REFERRED** to the Committee on **NATURAL RESOURCES** pursuant to Public Law 2009, chapter 412, Part B, section 2.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **NATURAL RESOURCES**.

Sent for concurrence.

Refer to the Committee on Natural Resources

Pursuant to Public Law 2009, chapter 412, Part B, section 1

Representative DUCHESNE for the **Joint Standing Committee on Natural Resources** on Bill "An Act Regarding Planning for the Management of Solid Waste"

(H.P. 1285) (L.D. 1797)

Reporting that it be **REFERRED** to the Committee on **NATURAL RESOURCES** pursuant to Public Law 2009, chapter 412, Part B, section 1.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **NATURAL RESOURCES**.

Sent for concurrence.

Divided Report

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-648)** on Bill "An Act To Amend the Unemployment Compensation Laws Regarding Vacation Pay" (EMERGENCY)

(H.P. 1154) (L.D. 1626)

Signed:

Senators:

JACKSON of Aroostook
GERZOFKY of Cumberland

Representatives:

CLARK of Millinocket
BLODGETT of Augusta
TUTTLE of Sanford
BUTTERFIELD of Bangor
GILBERT of Jay
DRISCOLL of Westbrook

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

Signed:

Senator:

MILLS of Somerset

Representatives:

THIBODEAU of Winterport
HAMPER of Oxford
CUSHING of Hampden
BICKFORD of Auburn

READ.

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

The **SPEAKER**: The Chair recognizes the Representative from Hampden, Representative Cushing.

Representative **CUSHING**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise today to ask you before voting on this for consideration of the impact of a bill of this nature. I respect that there are many people out there facing the prospect of unemployment and uncertainty as to where they will be finding future jobs. The committee heard some very important testimony on this. I have to respectfully disagree with the Majority Report for a couple of reasons.

Our position is that although many people have worked hard and they have earned the vacation time that has accrued, that is being considered by this bill, we have to recognize too that there is a balance here. In an economy as we are facing now, there are many communities, particularly those communities that have historical natural resource based businesses, that the impact on the unemployment rates for those companies can drastically affect the corporate decisions as to whether those mills will be sustained or whether the decision will be made to shut the doors and remove the equipment. Unemployment is an opportunity to give people that bridge between employment and the next

chance for them to find full employment and an opportunity to provide for themselves and their families.

If we remember, Maine has always had a concern about what we do for our workers here, and due to the foresight of a prior body, we were able to change the unemployment insurance contribution so that we built a very good cushion for the bad times. Under our prior Chief Executive, we built a very successful unemployment insurance trust that will leave Maine as one of the handful of states that have not had to borrow from the Federal Government, or that will see their unemployment trust fund literally in the red at the time that we come out of this. So I would urge folks to think carefully about this, and, Madam Speaker, I ask for the yeas and nays. Thank you.

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

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

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

Representative **BUTTERFIELD**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I appreciate my colleague from Hampden, Representative Cushing, bringing up that we really should think about what we're doing here. You know, especially in these economic times, it is important that we consider what we're doing with the unemployment trust fund, and we did that in the committee.

One of the first things that I want to point out and make sure that we all understand here today about this bill, this does not add, extend or otherwise increase the amount of benefits that any single filer is eligible for. Just to make sure we understand that, I'm going to repeat it. This doesn't add to the benefits that people can get. If you are eligible for x number of weeks of unemployment, this bill doesn't change that. You are still eligible for those. What this bill does do is it shifts that window forward. Right now the way the system works—and we are one of a few states that does it this way, twenty-one other states do it the way that this bill proposes to change—is to say if you have vacation built up when you lose your job, instead of having to wait until you've used up however many weeks of vacation you have accrued, which, by the way, let's remember that means you didn't take the vacation that you earned while you were working. What this bill does, it says you can start collecting unemployment as soon as you lose your job. It's a buffer. It helps people who have just lost their job, who right now, frankly, probably don't have a lot of savings to fall back on to ease into being unemployed. It means you don't have to wait. Let's keep in mind that folks who earned vacation time and used it up, people who earned four or five or six weeks of vacation and took it all, they start collecting immediately. They wait one week like everybody else after they file for unemployment and then they start collecting benefits. This essentially punishes people for being productive, for staying at work, for not taking vacation time. Or even worse, you might have had a vacation planned. You could have said I'm taking the family to wherever you're going in a couple of months and then you lose your job and now you're on the hook, and if you have nothing to fall back on, all this does, all we are trying to do is say when you lose your job, we're going to ease you in to that and help mitigate the pain.

Finally, you know, we did hear concerns. People will say, well, if you are collecting both, this is double-dipping. It is a disincentive to look for work if you're gaining the unemployment pay and you're getting your vacation pay, and there is just two things I would say to that, Madam Speaker, and then yield to the floor. First of all, let's keep in mind you've earned both of these.

These aren't things that we're handing out to just anybody. You have to earn your way into the unemployment system; you have to earn your vacation time. It's not double-dipping. You are simply accessing things that are yours by right anyway.

The other thing I would say, let's keep in mind, when you are on the unemployment system, when you are filing for benefits, you have to look for work. I've seen the form. You have to send it in every couple of weeks. The unemployment trust fund sends it to you, you have to fill it out and send it back saying these are the jobs I've applied for, you have to list contact people at the jobs you've applied for. I think there is a myth that you just sort of get to drift along in the system. That is absolutely not the case. You have to prove that you are looking for work. There are just, I think we all know, not a lot of jobs to be had right now. So this is a small change, and I'd ask that you follow my light and vote yes on the pending motion. Thank you.

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

Representative **TUTTLE**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. As you've heard today, under current law an individual is disqualified from receiving unemployment compensation benefits for various reasons. One of those is vacation pay. The bill removes the vacation pay provision. As mentioned, most of the states in the nation do it this way already. The bill, in my opinion, will ease the transition to unemployment, allowing the worker to face his or her job search, retraining with more resources. As has been mentioned, the unemployment trust fund is governed by a self balancing mechanism and requires additional funding in bad times and returns money to employees in good times. As was mentioned by the good Representative from Hampden, we are very fortunate that our system, I think, is probably the best in the country and it's because of the hard work that the Labor Committee has done. This bill will not result in workers receiving benefits for a longer period of time, but it will result in some workers exhausting benefits sooner as a result of beginning to receive benefits sooner. The bill's impact on the unemployment trust fund would be negligible. This is simply a fairness issue. I think employees have earned their vacation pay and it shouldn't be held against them, especially since those who have used their earned vacation do not have to wait. These workers have lost their jobs through no fault of their own and faced with pressures of unemployment. It presents the delay in unemployment benefits, it compounds those pressures. I think vacation pay should be treated like any other wages, it is taxed the same way, and I would ask you to support the Majority Report.

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

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

The **SPEAKER**: The Representative may pose her question.

Representative **GILES**: Okay, just for clarification, I have two questions. While the individual, they've been laid off, they are collecting unemployment, on this vacation time issue, if they get called back to that employer, what is the status of the vacation time? And the second piece is if the employer goes out of business, what is the status of the vacation time?

The **SPEAKER**: The Representative from Belfast, Representative Giles has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: I think in answer to the first question, if the employee is called back to, it would probably be depending on what the collective bargaining agreement and what the personnel rules would be. So it would be different for, I think,

every company. Also, as far as the company goes out of business, as of many cases, I know we had somebody testify to have been an employee for 25 years and had always gone to work and had done the right thing, and he was penalized. So I think there is a fairness issue. I think that is why this bill is in.

The **SPEAKER**: The Chair recognizes the Representative from Augusta, Representative Blodgett.

Representative **BLODGETT**: Thank you, Madam Speaker. Madam Speaker, Men and Members of the House. I rise in support of 1626. Just please remember that this money is money that the employee has already earned, nothing that somebody is giving them in addition to what they haven't earned. They have earned this and should not be punished because they haven't taken their vacation time like some of the other employees are. Let's all know that unemployment lasts a lot longer than it used to, and I think we need to be sensitive to the fact that when somebody is laid off, they are certainly not going to make the money they did when they were working. They are going to be paid much, much less, and if they can have their vacation pay, they perhaps can pay off a debt that will help them to live on less for a lot longer. Thank you.

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

Representative **HAMPER**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I just want to remind everybody here that this does come with a price tag and that price tag to businesses is about another 1 percent increase in their UI rates, and it does come at a price tag to the state, you look at the fiscal note, at around \$35,000. Thank you, Madam Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Winterport, Representative Thibodeau.

Representative **THIBODEAU**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. First of all, I want to say that I certainly appreciate the sponsor bringing this bill forward and have nothing but the utmost admiration for her. With that being said, Representative Cray just shared with me that he currently believes he has about 90 days of vacation time accrued at his place of employment. So this is not necessarily a really short-term thing. This can have tremendous impact on a person as they begin their unfortunate venture on unemployment. Representative Cray could not only collect his current pay for 90 days but would also be receiving an unemployment compensation package. Now with all that said, you know, if we really feel as though we have additional resources available, we should consider increasing the benefits across the board rather than targeting that extension to a fortunate few that may have accrued vacation time. That is a conversation that we really ought to consider. I think it would be far fairer across the board than simply targeting a certain few people that may have accrued vacation time. Thank you.

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

Representative **GILBERT**: Thank you, Madam Speaker. Madam Speaker, Members of the House. I stand in support of LD 1626. In working with the unemployed for 23 years, I can say that a worker's prime concern upon being laid off or terminated is a financial concern. Current UI law penalizes workers who did not or could not take paid vacation prior to a layoff, and there are some workers that know they are going to be laid off, such as the Wausau workers in Jay, that could not take their vacation time because the mill had to be closed up and the employer would not allow vacation time to be taken. Other workers that had taken their vacation prior to the notice of termination were able to collect unemployment after serving one week's waiting period.

Those who were not able to take their vacation time had to wait for that vacation pay to expire before their unemployment could commence. If passed, this bill would help those workers to adjust to a severe economic change in their household. Please support these workers and join me in voting for LD 1626.

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

Representative **PRESCOTT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. This is a great idea. If we could afford it with no affect on business, then I'd be completely in support. However, we are in a financial crisis. I know we all know that. There are groups that oppose this bill for a reason. National Federation of Independent Businesses, the Maine State Chamber of Commerce, the Maine Merchants, Maine Auto Dealers, Maine Grocers, Maine Innkeepers, the Portland Regional Chamber of Commerce, the Androscoggin Chamber of Commerce, Manufacturers Association, Associated General Contractors of Maine, Associated Builders and Contractors of Maine, Maine Restaurant Association, Maine Motor Transport, Greater York Region Chamber of Commerce, and Maine Campground Owners. We all know these groups and we know them well. They stand out there and support our businesses for a reason. They are opposed to this bill, and if we don't listen to them then what we are doing is we're not protecting our employers, and if we're not protecting our employers, there won't be any employees left in our great state. So please oppose this bill, this is not the time to be doing this, this is not the time to be burdening our businesses. Thank you, Madam Speaker.

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

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

The **SPEAKER**: The Representative may pose his question.

Representative **FLAHERTY**: Thank you, Madam Speaker. Are executives who receive severance packages as part of their layoffs required to wait until those funds dry up or give up their severance packages before they file for or collect unemployment?

The **SPEAKER**: The Representative from Scarborough, Representative Flaherty has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Madam Speaker, in reference to big executives with large severance pay, I would think with the laws now they would have to wait.

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

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

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

Representative **CAMPBELL**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I retired when I was 56 years old and came up to Maine, and I lived a good life. I was running two major daily newspapers in Massachusetts. But before that, working for them, I worked at a courier corporation for 30 years. And when I left and I got my exit interview and they closed the plant after 30 years, I got 10 weeks vacation with pay for vacation pay, they paid me every week for nine months, and they also paid my health insurance, and I was told that I could collect unemployment too because what they were giving to me and doing for me was given to me because of dedication over 30 years with them. But that was very surprising to me that you could collect unemployment from day one, get my pay every two weeks and all the other benefits.

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

Representative **MARTIN**: Thank you, Madam Speaker. Madam Speaker, Members of the House. Let me just say that we just heard a list of organizations that supposedly are opposed to this. As a member of some of those organizations, no one contacted me as to my position on the issue, and I'm paying dues to some of those organizations. I think it's very simple. Vacation pay is not salary in the true sense of the word. It is something to which you are entitled to. I do not believe that we ought to confuse the two together. If someone has earned vacation pay, it is something they've achieved and they may not have used it. When they are terminated from their job or they lose their job because of unemployment, then that is truly unemployed. It is not the same thing and we ought not to confuse the two, and I urge you to vote for the Majority Report.

The **SPEAKER**: The Chair recognizes the Representative from Ripley, Representative Thomas.

Representative **THOMAS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise today as an employer, an employer who has to compete with other employers who pay cash under the table. They don't pay unemployment compensation, they don't pay workers compensation, they don't match the social security funds, and what I'm being told is that if we pass this bill, I've got to pay a little more. I'm having a hard time now to keep these people employed. Now we just keep adding on to the expense, and how many times have you heard employers in your district say it's just not worth it to have employees? The cost of keeping an employee is so high and the profit margins for a business are so low, why do we do it? And a lot of people are going to say, you know what, this little bit more is going to be enough so that I can't afford to have employees, and I know that I'm struggling to keep the three that I have, and it's tough. So maybe it only costs me 1 percent more, but we've already seen an increase this year, and we've seen an increase in the competition of people who are paying cash under the table, and I'd like to have a dollar for every person who is drawing unemployment that comes to me and says would you give me a job and pay me cash so that nobody knows about it. And maybe they'll be collecting vacation pay too. I don't know. But my point is that we keep adding costs to employers and keep adding costs to employ people, we're going to see fewer people employed, and at a time like this we need all the people employed that we can find. We don't want to give anyone another reason not to hire someone. 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. You know we heard a lot of good debate on this subject. I agree with my good Chair: fairness, fairness, fairness. There is no question this bill is about fairness. When I got laid off my from employment, I had 38 1/2 years. I had a different circumstance than what we're talking about today because we went through a federal bankruptcy. When I left, I got nothing. Nothing, Men and Women. Not one penny. I had to draw unemployment for the first time in my life. It was a little embarrassing going down to draw unemployment because I always worked, and I looked for work all the time I was on unemployment. Vacation pay is what you accrued from the year before. My vacation time went from May to May. They don't look when they're going to shut the mill down, or wherever your work, just not to pay your vacation pay. They shut it down; they close the doors and out you go. We're asking for fairness, fairness getting your vacation pay up front. How many here have ever had to pay COBRA? See how much

that will cost you. Quite a bit more than what you make for vacation pay. So if you had that money up front to work with, that helps everybody.

I understand the good Representative Prescott and where she is coming from. I feel the same way on a lot of issues, but this is not one. Its fairness, money you earned, money you got coming and it ought to be up front, not at the end of the day. I can't imagine going home and telling your men and women that you voted against this bill. Half of us, our biggest employer now where I live is unemployment. Do you think they want to draw unemployment? No. But I can tell you right now the ones who do would like to have some money up front to help them out, because the money I made when I was working far surpasses what I ever got for unemployment. Please, Men and Women, look what you can do to help the workers.

Now when Fraser, you've been reading a lot about Fraser Paper Company, when they gave their chief executive office bonus after bonus and the workers on the floor to keep their jobs gave up benefits, gave up vacations, gave up pay, gave up you name it and they gave it to keep their jobs. But I don't see nobody down here arguing what happened to the big bonuses that were given out, but yet let one worker ask for something and we know where you're coming from. Please do the right thing when you vote here today. 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. I am rising in support of this bill. The reason is several reasons. Number one, and a lot of these have already been said, vacation pay is a benefit. It is not a salary. It is the same with health insurance. Unemployed workers a lot of times, like a teacher, may get unemployed in May but his health insurance is paid up and carried over until August. Are we going to start deducting that? No, I don't think so. It's a benefit.

Number two, having been on unemployment once, unemployment will not even cover the basic bills for you to live. Any other bills you have like car payments and that, we're going to see people getting cars repossessed, their homes foreclosed. So this extra money will allow them to pay off these debts, or pay down on some of them. Plus the other reason, in a time of recession, I believe we should concentrate our money in education and research to create jobs—government doesn't do a very good job of creating jobs, education and research in our university will—and in helping the unemployed. We need to create the jobs to get them off unemployment, but, until then, we need to help them. So I will support this.

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

Representative **FOSSEL**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I am a fat cat employer. Last year at this time, I had 12 employees and I am one of those people who obeys all the rules. And so I pay health insurance and workman's compensation, and I even give short and long-term disability insurance and life insurance, and last year at this time we walked off a cliff. We had 12 employees, we were down to two last summer. If this bill had been enforced last year, I would not have six employees now; I would be bankrupt and have no employees. You have to recognize, as caring as this bill is, most employers in Maine are small employers like me. We keep employment going by borrowing against credit cards, by taking our health savings account and stripping that out, doing anything we can to stay in business. You are going to drive us out of business by bills like this because when we are most vulnerable you're going to take any resources

and flexibility we have away, and if you do that, you continue to kill the employment in Maine, you continue to kill small employers like me, and we are the employers of Maine. There are not many other people like us, at least in my district. Thank you very much.

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

Representative **DRISCOLL**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. We all know these are unprecedented times. Maine has been hit especially hard, over 30,000 people unemployed. This bill is about fairness. This bill is about compassion for our constituents, our neighbors. This bill is about human decency. As far as the job outlook down the road, even one of the areas that has been lucky enough to see growth in the past year or two, that being health care, I think we've all read in the papers lately where even they are starting to shave some of their job opportunities off. So Maine is being hit especially hard. I think we need to do what we can do in our committee and here in the House to help our neighbors out, to help them get through these financially strapped times until, hopefully, they are able to land a job. So I totally support this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Hanley.

Representative **HANLEY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. This bill solely and strictly is about one thing and that is fairness. This money, this vacation pay is earned. It is negotiated, is set aside, it's to these people. Being unemployed is no vacation. Don't take and hinder it and make it even worse by denying them something they've negotiated for, something they worked for and something they are due. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Cushing.

Representative **CUSHING**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I have listened to this debate which, I think, reflects on the care and compassion this body has for the many workers in this state, and also the sensitivity to businesses. The point that I ask people to consider in this debate is it's not a question of whether one side believes it's fair or not. We all negotiate in good faith when we go into a contractual agreement. We have many people who serve this state in various departments that were negotiated for several years ago in a contract. That contract stated that they would have a certain degree of benefits and a certain number of days that they would be compensated for. Unfortunately, due to economic considerations beyond our control, last year, this body voted on a new budget that asked them to make concessions to those agreements and those benefits which they agreed. And although some of them may have reluctantly did that, they recognized that we're all in this together.

It kind of reminds me of the time I spent growing up in the summer in the Maine woods, and when you are in a canoe and you get water in the canoe going down the rapids, you know it's smart to get out and bail the water out before you go further, or the canoe may get flooded and then you don't have anything to ride in. That's the basis of my concern in passing this bill at this time. It's not a question of whether we believe this is fair. I understand when people make a contract and they desire to have the benefits for which they believe they are due, but think of this in the context of businesses like my good friend from Alna and the many small businesses in Maine. If we continue to pour water over the gunnels of that canoe, that canoe may sink, and like some of those canoes that have gone under in this state, we'll have many people without the opportunity. So I urge you to consider that in your vote on this bill. Thank you.

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

Representative **BUTTERFIELD**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. It's interesting that I rise again after my good friend, the Representative from Hampden, Representative Cushing. I actually like his analogy of water coming over the side of the canoe because if anyone is going to understand that, it is certainly somebody who has just lost their job and has been told that they have to wait a couple of months because their vacation pay that they earned is denying them being able to collect the benefits that they've earned in unemployment.

I apologize for rising a second time. Just to make this point again, this is not extending or adding benefits. People are not going to be eligible to collect more total weeks of unemployment under this change. They are not going to be eligible to collect more vacation pay under this change. It just shifts that window up. And I do want to, Madam Speaker, just want to correct one thing that I have heard today. It is not a 1 percent cost to the system. According to the 2009 data, if this law had been in effect in 2009, it would have been a .1 percent. It is actually .08. So it is one tenth of 1 percent of the system that would be affected by this. Thank you.

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

Representative **TUTTLE**: Madam Speaker, I always say, like the previous ten speakers, I have nothing new to add, but I have to clarify one thing. As far as the cost, when we had the public hearing, it was very important to me to ask the Department of Labor what it would cost the average employer if this bill passed this year. They told me that based upon their information and because of the solvency of our trust fund, it would not cost anything this year. But if things continue to go bad, our unemployment in the next couple of years, the average assessment to the average employer in the state would be about \$20.

As a nation we are facing near record levels of unemployment and underemployment. Unemployment brings anxiety and increased economic insecurity, strains on the family and often a loss of confidence in yourself. In such a context, making sure that people get unemployment without delay is essential. If someone has built up six weeks of vacation time and they happen to get laid off, why should they be disqualified for collecting unemployment for a month and a half? This is a fairness issue. This is something that will make a difference in people's lives at a time when it really matters. It is something we can do. It is something we should do. Thank you, Madam Speaker.

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

Representative **GILES**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I have been listening to this debate and it has raised a lot of concerns in my mind from the fairness standpoint, but I think we need to be fair to both employers and employees. I don't think this is just a one-sided discussion. What caught my attention most was when Representative Prescott read the list of the organizations that are opposed to this, and when I think of them—the Maine Merchants Association, the Chamber of Commerce and a number of them—I bet if you went up and down their list, probably 90 percent of their members or better are small businesses in this state. I may be a little off in my statistics, but I think I'm pretty close, is that in this state, the number of small businesses we have, which is huge, employs more than half the workers. I think it's as high as 60 percent of the employees in this state. So what strikes me is

that the cry is really coming from the small business owners, then I think we really need to be sensitive to that, that this is going to put a burden on them, whether immediately or in the future.

It makes me think of my own husband's business. He has a small business in Belfast, he employs four people, and I know how hard he has worked and his employees have worked so they all stay fully employed during this economic downturn. And his business offers health insurance, it offers personal time off, vacation time, 401k, but he is a small business owner, and it makes me concerned that there are so many thousands of small business owners like him in this state that are going to be added with an extra burden. And I heard loud and clear from Representative Fossel, this could potentially have bankrupted him had this gone through. So I'm very sensitive to this when I vote on it. I'm going to be opposing this measure. I appreciate the good work of the committee, but it just does not seem to be appropriate given the economy we are in.

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

Representative **WRIGHT**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. Vacation pay is earned but it is not salary. It's no more salary than health benefits or pension or any of the other benefits. When a plant closes, to give an example of two workers, one is taking every minute of their vacation pay and the other has not. The person that does not take the vacation pay is often the more valuable employee. They are going to be the one that is there a half hour early. They are going to be the one that works through their break. They are going to be the one that is there when their bosses say can you help us out. In effect, we are punishing the valuable employees.

When a plant closes, and I can speak from experience because my son just went through this and he got his vacation pay, the first thing he did was go out and pay his car insurance up, to pay up on his car bills and take care of himself because he knew that unemployment was not going to be able to take care of this. When a worker is first laid off, that's when they need the money the most, that's when they need it in their pocket. This is money that they have earned; this is money that is owed to them. It is not double-dipping; it is not taking money out of their employer's pocket. This is their money. It doesn't extend the benefits. You still get the same number of weeks, the same benefit amount. It doesn't make people fat and lazy as we've heard before. Unemployment is not vacation. You can ask my son that because we talk to him every week about where he has looked for work and where he is going to go for work.

We've heard from previous speakers about all the organizations that are opposed to this. Those organizations can afford lobbyists. They can afford to have people come up here and talk to us and sit in front of the committee. The workers that aren't employed can't. Often times they don't have the gas money to make it to Augusta. A couple of the other speakers have spoken about having to compete against unscrupulous employers. These are the people that work in the underground economy, they don't pay unemployment, they don't pay benefits, they don't pay taxes. So later on, we may have a chance to address that and I hope that these same people that have spoken about that vote with me to take care of that problem. Again, this is not double-dipping. This is not extended benefits. This is giving the workers what they deserve, what they have earned. Thank you, Madam Speaker.

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

Representative **McKANE**: Thank you, Madam Speaker. Madam Speaker, Members of the House. I wasn't going to speak

on this, but I've heard so much here today, I can't believe that we're really even debating this bill after we've seen over the past couple of years how many businesses have left this state under the burdens that we place on them. And it probably is fair. You know, this is probably a fairness issue that we would agree with most of the time, but we just have to stop for a minute and stop placing extra burdens on these businesses. We just lost that canning factory in Winter Harbor, and as you drive home tonight, after you take your vote, look at how many more store fronts there are that are empty and how many businesses that are for sale. I'm astounded every time I drive through this state how many more for sale signs there are in front of businesses. This is why. We want to be fair to workers, but we have to think of the businesses that employ those workers. Thank you, Madam Speaker.

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

Representative **GILBERT**: Thank you, Madam Speaker. Madam Speaker, Members of the House. I stand again to speak for this bill. It is a known fact that UI benefits are spent locally and those funds support small local businesses. Also, to clarify a misconception about UI benefits, Maine's weekly UI benefit at \$350 a week is the lowest of any state in the Northeast. Also, the dependent amount, which is only \$10 per dependent, has not changed in more than 30 years.

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

Representative **BEAUDETTE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. As everyone well knows, I tend to err on the side of protecting small business. It is very important to me and I think very important to the State of Maine and business in the State of Maine. The good Representative from Newcastle correctly indicated that when we're driving home later today that during our travel we might run across some businesses that are shuttered, and that certainly is fallout from the economic times that we find ourselves in. But at the same point in time, we're on that drive and we're heading back to our homes, we'll also see a number of other people's homes that are up for sale. They have been foreclosed upon. They might have crossed a situation where they've been laid off or their business has shuttered entirely, and they're not able to meet the basic necessities financially to keep their home or to even feed their families even if they are in their home. This time on this particular vote, rather than following my business persona or my desire to make sure that there are opportunities for citizens of Maine to work for Maine businesses, this time I am going to err on the side of compassion and make sure that those folks who have become unemployed and they have this vacation pay that they've been carrying, and they may be carrying it because they didn't think they'd be able to afford to take a vacation, but given the economic times that we find ourselves in now, that they needed that as a fallback position because they know if they go on to unemployment they are not going to earn enough from their unemployment benefits in order to be able to maintain their household. This time I think we have to exercise compassion and protect Maine workers. I don't think this bill inordinately seriously affects small business in Maine. Yes, there is an effect, but at this point in time I think it is time to err on the side of the workers and try to help some folks keep their homes and feed their families. Thank you.

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

Representative **CELLI**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. One of the things that employers will be able to do is require their

employees who do not take their vacations to not acquire as many vacation days as they have been able to do in the past. They can simply say at the end of the year, if you haven't taken your vacation, we're going to pay you right then and there. This will alleviate the problem of having a big payoff at the end, which will hurt them.

The SPEAKER: The Chair recognizes the Representative from Winterport, Representative Thibodeau.

Representative **THIBODEAU**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I have been sitting here with my good seatmate and he's been calculating the number of weeks of vacation time that he has. He is up to 18 weeks. I'm just curious; I haven't quite got it figured out. What's going to prevent him from collecting his vacation time, his unemployment compensation, and then going back to his brother-in-law and getting his job back? But anyway, that is certainly a question that ought to be considered.

But we've heard a lot today about compassion and fairness. It has been suggested that if you don't support the pending motion that obviously you must not be a compassionate or fair person. I would suggest to you that if we enact another bill in this State House that causes the loss of one job, five jobs, 100 jobs or 1,000 jobs, that we are not being compassionate. People are struggling; we need employment in this state far worse than we need anything else.

Now I have one question that I would like to pose through the Chair to the body for anybody who would like to answer.

The SPEAKER: The Representative may pose his question.

Representative **THIBODEAU**: My question is, is unemployment compensation an earned benefit or a qualifying benefit? Do the moneys that are paid to those who are on unemployment come from the state through taxation, or is it a fund that is paid into by Maine employers? So I guess that is a two part question. Is it an earned benefit or is it a qualifying benefit? Thank you.

The SPEAKER: The Representative from Winterport, Representative Thibodeau has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Thank you, Madam Speaker. As the good Representative from Winterport fully well knows that the benefits that are charged in Maine come from Maine employers. However, the Federal Government does, from time to time, loan us money to make that system work. I really have not much compassion for someone who has 20 weeks of vacation coming to them. If I were concerned about those people, I would not even be speaking for this bill. The people I speak for, and where I live, have at best two weeks of vacation if they are lucky, and maybe one, and those are the ones that I am most concerned about.

I happen to be treasurer of a nonprofit organization where we operate with our employees on earned time, where vacation time, sick time and holiday pay is all interwoven together. When we've had to lay off some of those people because of state cuts last year, some of them had accrued some of those benefits, all those three categories put together. As a result, they were denied their unemployment on that basis, even though some of that was sick leave, some of that was vacation pay and some of that was actually holiday pay, where employers normally pay for those holidays, and those are the ones I speak for today, that I simply don't think it is fair where we deny people who have worked and are working for minimum wage very often. I just think for a moment of what's going on in Gouldsboro right now and what's happening to those people and how unbelievable they must feel,

if they are going to have a week coming to them when that plant closes, that they are going to be waiting for unemployment.

The SPEAKER: The Chair recognizes the Representative from Palmyra, Representative Cray.

Representative **CRAY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I guess with Representative Martin, I didn't understand if he explained if it was an earned benefit or if it was a qualified benefit.

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

ROLL CALL NO. 268

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

NAY - Austin, Beaulieu, Browne W, Burns, Casavant, Cebra, Chase, Clark T, Cohen, Cotta, Crafts, Cray, Crockett J, Curtis, Cushing, Davis, Edgecomb, Fitts, Fletcher, Flood, Fossel, Gifford, Giles, Greeley, Hamper, Harvell, Johnson, Joy, Knapp, Kruger, Langley, McKane, McLeod, Millett, Nass, Nelson, Nutting, Plummer, Prescott, Richardson D, Richardson W, Robinson, Rosen, Sarty, Saviello, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tilton, Van Wie, Weaver.

ABSENT - Ayotte, Bickford, Briggs, Carey, Connor, Dill, Hill, Kaenrath, Lewin, MacDonald, McFadden, Perry, Pinkham, Pratt, Shaw, Treat, Willette.

Yes, 81; No, 53; Absent, 17; Excused, 0.

81 having voted in the affirmative and 53 voted in the negative, with 17 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-648)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Tuesday, March 2, 2010.

CONSENT CALENDAR

First Day

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

(S.P. 588) (L.D. 1532) Bill "An Act To Align Education Laws with Certain Federal Laws" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-373)**

(H.P. 1054) (L.D. 1505) Resolve, To Ensure Consistency in the Scheduled Expiration of Terms of the Board Members of the Finance Authority of Maine (EMERGENCY) Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-657)**

(H.P. 1068) (L.D. 1518) Resolve, Regarding Legislative Review of Section 16, Activities in Coastal Sand Dunes, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY) Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-651)**

(H.P. 1103) (L.D. 1566) Bill "An Act Relating to the Membership of the Workers' Compensation Board" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-659)**

(H.P. 1136) (L.D. 1608) Bill "An Act To Establish an Office of Administrative Law Judges for Licensing Boards" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-658)**

(H.P. 1145) (L.D. 1617) Bill "An Act Enabling Expedited Partner Therapy" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-653)**

(H.P. 1155) (L.D. 1627) Bill "An Act To Improve Access to Data in the Central Voter Registration System" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-656)**

(H.P. 1187) (L.D. 1686) Bill "An Act To Allow Minor Capital School Improvement Projects To Be Permitted Costs under Essential Programs and Services" (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-660)**

(H.P. 1194) (L.D. 1693) Bill "An Act To Protect the Environment and Natural Resources of the State by Regulating the Discharge of Certain Substances into the Environment" (EMERGENCY) Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-652)**

(H.P. 1200) (L.D. 1699) Bill "An Act To Update and Modernize Maine's Floodplain Mapping" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-655)**

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

CONSENT CALENDAR Second Day

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

(H.P. 1063) (L.D. 1514) Resolve, To Promote Efficiency and To Streamline Access to the Circuitbreaker Program Application Process

(H.P. 1065) (L.D. 1516) Bill "An Act To Amend the Charter of the Dexter Utility District"

(H.P. 1237) (L.D. 1740) Resolve, Regarding Legislative Review of Chapter 2: Change of Use, Downsizing, or Closure of Correctional Facilities, a Major Substantive Rule of the State Board of Corrections (EMERGENCY)

(H.P. 1248) (L.D. 1754) Resolve, Naming the Bridge over Pattagumpus Stream the Nicatou Bridge (EMERGENCY)

(H.P. 60) (L.D. 71) Bill "An Act To Raise the Property Tax Exemption for Veterans" (C. "B" H-644)

(H.P. 187) (L.D. 233) Bill "An Act To Include Independent Practice Dental Hygienists in MaineCare" (C. "B" H-647)

(H.P. 1075) (L.D. 1525) Bill "An Act To Amend the Charter of the Buckfield Village Corporation" (C. "A" H-649)

(H.P. 1131) (L.D. 1593) Bill "An Act To Amend the Lobster Meat Laws and Expand Economic Opportunity for Maine's Lobster Industry" (EMERGENCY) (C. "A" H-643)

(H.P. 1221) (L.D. 1720) Bill "An Act Related to Qualified Waste-to-energy Power" (C. "A" H-650)

(H.P. 1229) (L.D. 1731) Bill "An Act To Amend the Bingo Laws" (C. "A" H-646)

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

ENACTORS

Emergency Measure

An Act To Assist in Reviewing Wind Energy Applications

(S.P. 652) (L.D. 1680)

(C. "A" S-370)

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

Representative SAVIELLO of Wilton **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: The Chair recognizes the Representative from Wilton, Representative Saviello.

Representative **SAVIELLO**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Very quickly, this bill is one that many of us think, some people think is the answer to everything. I personally do not, and I appreciate the committee's hard work and recognize that perhaps there was a bit of discussion on some of the things that I introduced in that committee. I remind them all that that was a legitimate way to amend a bill. However, I will commend the committee on the letter that they eventually wrote that recognized in fact there needs to be a public process of some kind, and that we need to recognize that low frequency noise is an issue and it needs to be addressed as we go in to this permitting process. I do not have the letter that was written by the committee, but I would offer that that should be entered into the record. Thank you, Madam Speaker.

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. 269

YEA - Adams, Beaudette, Beaudoin, Beaulieu, Beck, Berry, Blanchard, Blodgett, Bolduc, Browne W, Bryant, Butterfield, Cain, Campbell, Casavant, Clark H, Clark T, Cleary, Cohen, Cornell du Houx, Cotta, Cray, Crockett P, Curtis, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Edgcomb, Eves, Finch, Fitts, Flaherty, Flemings, Fletcher, Flood, Fossil, Gifford, Gilbert, Giles, Goode, Greeley, Hamper, Hanley, Harlow, Haskell, Hayes, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kent, Kruger, Lajoie, Langley, Legg, Lovejoy, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McKane, McLeod, Miller, Morrison, Nass, Nelson, Nutting, O'Brien, Pendleton, Peoples, Percy, Pieh, Pilon, Piotti, Priest, Rankin, Richardson D, Richardson W, Rosen, Rotundo, Russell, Sanborn, Sarty, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Tardy, Theriault, Thibodeau, Tilton, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Wheeler, Wright, Madam Speaker.

NAY - Austin, Boland, Burns, Cebra, Celli, Chase, Crafts, Crockett J, Cushing, Davis, Harvell, Johnson, Joy, Kaenrath, Knapp, Knight, Millett, Peterson, Plummer, Prescott, Robinson, Saviello, Schatz, Sykes, Thomas, Weaver.

ABSENT - Ayotte, Bickford, Briggs, Carey, Connor, Hill, Lewin, MacDonald, McFadden, Perry, Pinkham, Pratt, Shaw, Treat, Willette.

Yes, 110; No, 26; Absent, 15; Excused, 0.

110 having voted in the affirmative and 26 voted in the negative, with 15 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Provide for the 2010 and 2011 Allocations of the State Ceiling on Private Activity Bonds
(H.P. 1240) (L.D. 1743)
(C. "A" H-624)

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

Emergency Measure

Resolve, To Enhance Protection of Maine Farms and Nurseries
(H.P. 1123) (L.D. 1585)
(C. "A" H-620)

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

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

Acts

An Act To Encourage Veterinary Practice in Maine and Make Revisions to Related Medical Education Programs Administered by the Finance Authority of Maine
(S.P. 116) (L.D. 352)
(C. "B" S-368)

An Act To Prohibit Furnishing a Place for Minors To Use Illegal Drugs
(S.P. 305) (L.D. 791)
(C. "B" S-364)

An Act To Provide Funding To Educate Homeowners in Integrated Pest Management
(H.P. 858) (L.D. 1239)
(C. "A" H-619)

An Act Concerning Technical Changes to the Tax Laws
(H.P. 1083) (L.D. 1539)
(C. "A" H-622)

An Act To Eliminate the 3-trap Limit in the Waters of the State
(S.P. 597) (L.D. 1560)
(C. "A" S-367)

An Act To Amend Laws Administered by the Department of Environmental Protection
(S.P. 610) (L.D. 1603)
(C. "A" S-362)

An Act To Amend the Loan Originator Registration Laws
(H.P. 1146) (L.D. 1618)

An Act To Facilitate Uniformity Regarding Exemption from Registration of Certain Securities Offerings
(H.P. 1147) (L.D. 1619)

An Act To Expand Eligibility of Certain Municipal Landfills To Participate in the State's Remediation and Closure Program
(H.P. 1161) (L.D. 1633)
(C. "A" H-629)

An Act To Change the Requirements for the Sales Tax Exemption for Snowmobile Trail Grooming Equipment
(H.P. 1165) (L.D. 1637)
(C. "A" H-623)

An Act To Amend the Electric Utility Industry Laws as They Relate to Renewable Resources
(S.P. 654) (L.D. 1682)
(C. "A" S-372)

An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2011
(S.P. 669) (L.D. 1746)
(C. "A" S-371)

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

Resolves

Resolve, To Direct the Department of Conservation To Seek To Acquire Public Access to the Dead River
(S.P. 262) (L.D. 687)
(C. "A" S-363)

Resolve, To Develop Model Academic Year Calendars
(H.P. 1100) (L.D. 1563)
(C. "A" H-601; H. "A" H-636)

Resolve, To Increase the Financial Stability of Low-income Families in Maine
(S.P. 614) (L.D. 1649)
(C. "A" S-365)

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

An Act To Protect Elderly Residents from Losing Their Homes Due to Taxes or Foreclosure
(H.P. 776) (L.D. 1121)
(C. "A" H-621)

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

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

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

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

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

ROLL CALL NO. 270

YEA - Adams, Austin, Beaudette, Beaudoin, Beaulieu, Beck, Berry, Blanchard, Blodgett, Boland, Bolduc, Browne W, Bryant, Burns, Butterfield, Cain, Campbell, Casavant, Cebra, Celli, Chase, Clark H, Clark T, Cleary, Cohen, Cornell du Houx, Cotta, Crafts, Cray, Crockett J, Crockett P, Curtis, Cushing, Davis, Dostie, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Eves, Finch, Fitts, Flaherty, Flemings, Fletcher, Flood, Fossel, Gifford, Gilbert, Giles, Goode, Greeley, Hamper, Hanley, Harlow, Harvell, Haskell, Hayes, Hinck, Hogan, Hunt, Innes Walsh, Johnson, Jones, Joy, Kaenrath, Kent, Knapp, Knight, Kruger, Lajoie,

Langley, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McKane, McLeod, Miller, Millett, Morrison, Nass, Nelson, Nutting, O'Brien, Pendleton, Peoples, Percy, Peterson, Pieh, Pilon, Piotti, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Robinson, Rosen, Rotundo, Russell, Sanborn, Sarty, Saviello, Schatz, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tilton, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Weaver, Webster, Welsh, Wheeler, Wright, Madam Speaker.

NAY - NONE.

ABSENT - Ayotte, Bickford, Briggs, Carey, Connor, Dill, Hill, Lewin, McFadden, Perry, Pinkham, Pratt, Shaw, Treat, Willette.

Yes, 136; No, 0; Absent, 15; Excused, 0.

136 having voted in the affirmative and 0 voted in the negative, with 15 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Protect Consumers from Charges after a Free Trial Period

(H.P. 1085) (L.D. 1541)

(C. "A" H-626)

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

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

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

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

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

ROLL CALL NO. 271

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

NAY - Tilton.

ABSENT - Ayotte, Bickford, Briggs, Carey, Connor, Dill, Hill, Lewin, Martin JL, McFadden, Perry, Pinkham, Pratt, Shaw, Treat, Willette.

Yes, 134; No, 1; Absent, 16; Excused, 0.

134 having voted in the affirmative and 1 voted in the negative, with 16 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**.

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

SENATE PAPERS

The following Joint Order: (S.P. 700)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, March 2, 2010 at 10:00 in the morning.

Came from the Senate, **READ** and **PASSED**.

READ and **PASSED** in concurrence.

Bill "An Act To Encourage the Use of Models in the Collection and Use of Student Achievement Data" (EMERGENCY)

(S.P. 704) (L.D. 1799)

Bill "An Act To Adopt the Common Core State Standards Initiative" (EMERGENCY)

(S.P. 705) (L.D. 1800)

Bill "An Act To Promote the Establishment of Innovative Schools" (EMERGENCY)

(S.P. 706) (L.D. 1801)

Came from the Senate, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

The SPEAKER: The Chair recognizes the Representative from Penobscot Nation, Representative Mitchell, who wishes to address the House on the record.

Representative **MITCHELL**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. On the record, I'd like to just announce that yesterday a very historic event took place in this building in the Governor's cabinet room. The four Wabanaki chiefs, House and Senate leadership, as well as staff from the Governor's Office and the Attorney General's Office, all came together with the tribal representatives to this body, and the Chief Executive signed an executive order instructing all agencies of Maine State Government and departments to work in a collaborative, communicative and consultative fashion with the tribes to enhance a more positive government-to-government relationship. I think that yesterday was a very historic day, and it is also a day in which we begin to finally start down the road together in communication, in a very positive and upbeat way.

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

On motion of Representative DAVIS of Sangerville, the House adjourned at 11:54 a.m., until 10:00 a.m., Tuesday, March 2, 2010 pursuant to the Joint Order (S.P. 700) and in honor and lasting tribute to Eugene F. Stanley, Sr., of Medway, Frank J. Gaziano, of Cape Elizabeth and Charles C. Bacheller, of Norridgewock.