

MAINE STATE LEGISLATURE

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

Volume III

Second Regular Session

March 24, 2010 - April 12, 2010

Appendix
House Legislative Sentiments
Index

Pages 1215-1836

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
SECOND REGULAR SESSION
27th Legislative Day
Thursday, March 25, 2010

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

Prayer by Reverend Jane E. Dibden, Covenant Chapel of North Vassalboro, Vassalboro.

National Anthem by Maranacook Community High School Concert Chorus and Show Chorus, Readfield.

Pledge of Allegiance.

Doctor of the day, Lisa Ryan, D.O., Naples.

The Journal of yesterday was read and approved.

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act To Amend the Motor Vehicle Laws"

(S.P. 599) (L.D. 1562)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-391) AND HOUSE AMENDMENT "A" (H-711) in the House on March 11, 2010.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-391), HOUSE AMENDMENT "A" (H-711) AND SENATE AMENDMENT "A" (S-433)** in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (H.C. 296)

STATE OF MAINE
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY

March 22, 2010

Honorable Elizabeth H. Mitchell

President of the Senate

Honorable Hannah M. Pingree

Speaker of the House of Representatives

124th Legislature

State House

Augusta, ME 04333

Dear Madam President and Madam Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Agriculture, Conservation and Forestry from the review and evaluation of the Baxter State Park Authority under the State Government Evaluation Act. In its review, the Committee found that the Authority is operating within its statutory authority.

Sincerely,

S/Senator John M. Nutting

Senate Chair

S/Representative Wendy Pieh

House Chair

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

The Following Communication: (S.P. 743)

STATE OF MAINE
124TH MAINE LEGISLATURE

March 23, 2010

Sen. Justin L. Alford

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 Alford and Representative Sutherland:

Please be advised that Governor John E. Baldacci has withdrawn his nomination of Richard Oravetz

for appointment to the Maine School of Science and Mathematics, Board of Trustees, 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.

(2-3) The Following Communication: (S.C. 734)

MAINE SENATE
124TH MAINE LEGISLATURE
OFFICE OF THE SECRETARY

March 24, 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 Education and Cultural Affairs, the nomination of Christopher J. McCormick of Cumberland Foreside for appointment to the Maine Community College System, Board of Trustees.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Kenneth J. Hoefflick of Standish for appointment to the Maine Community College System, Board of Trustees.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Lance Meadows of Penobscot for appointment to the Maine Maritime Academy Board of Trustees.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Dale J. Gordon of Caribou for appointment to the Maine School of Science and Mathematics, Board of Trustees.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Craig Kesselheim of Southwest Harbor for appointment to the Maine School of Science and Mathematics, Board of Trustees.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Angela M. Bechard of Monmouth for appointment to the State Board of Education.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Dorothy P. Martin of Fort Fairfield for appointment to the State Board of Education.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Samuel W. Collins of Caribou for appointment to the University of Maine System, Board of Trustees.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Benjamin D. Goodman of Kennebunk for appointment to the University of Maine System, Board of Trustees.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of M. Michelle Hood of Bar Harbor for appointment to the University of Maine System, Board of Trustees.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Victoria M. Murphy of Portland for reappointment to the University of Maine System, Board of Trustees.

Upon the recommendation of the Committee on Insurance and Financial Services, the nomination of Mila Kofman of Augusta for reappointment as the Superintendent of Insurance.

Upon the recommendation of the Committee on Insurance and Financial Services, the nomination of William N. Lund of Portland for reappointment as the Superintendent of the Bureau of Consumer Credit Protection.

Upon the recommendation of the Committee on Insurance and Financial Services, the nomination of Honorable Lloyd P. LaFountain, III of Biddeford for reappointment as the Superintendent of the Bureau of Financial Institutions.

Upon the recommendation of the Committee on Judiciary, the nomination of Ethna Mary Kelly of Falmouth for appointment as a District Court Judge.

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Authorize Bond Issues for Ratification by the Voters for the June 2010 Election"

(H.P. 1313) (L.D. 1826)

Sponsored by Representative CAIN of Orono. (GOVERNOR'S BILL)

Cosponsored by Senator DIAMOND of Cumberland and Representatives: ADAMS of Portland, AYOTTE of Caswell, BEAUDETTE of Biddeford, BECK of Waterville, BERRY of Bowdoinham, BLANCHARD of Old Town, BRIGGS of Mexico, CAMPBELL of Newfield, CAREY of Lewiston, CLARK of Millinocket, CLEARY of Houlton, COHEN of Portland, CONNOR of Kennebunk, CORNELL du HOUX of Brunswick, DILL of Cape Elizabeth, DOSTIE of Sabattus, EVES of North Berwick, FLAHERTY of Scarborough, FLEMINGS of Bar Harbor, HANLEY of Gardiner, HASKELL of Portland, HOGAN of Old Orchard Beach, WALSH INNES of Yarmouth, LAJOIE of Lewiston, MacDONALD of Boothbay, MARTIN of Orono, MARTIN of Eagle Lake, MAZUREK of Rockland, McCABE of Skowhegan, MILLER of Somerville, MITCHELL of the Penobscot Nation, PEOPLES of Westbrook, PERCY of Phippsburg, PERRY of Calais, PETERSON of Rumford, 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, SCHATZ of Blue Hill, SMITH of Monmouth, STUCKEY of Portland, SUTHERLAND of Chapman, THERIAULT of Madawaska, TREAT of Hallowell, TRINWARD of Waterville, VAN WIE of New Gloucester, WATSON of Bath,

WEBSTER of Freeport, WELSH of Rockport, WILLETTE of Presque Isle, Senators: ALFOND of Cumberland, BARTLETT of Cumberland, BLISS of Cumberland, BOWMAN of York, BRANNIGAN of Cumberland, BRYANT of Oxford, CRAVEN of Androscoggin, DAMON of Hancock, GERZOFKY of Cumberland, GOOLEY of Franklin, HOBBS of York, JACKSON of Aroostook, MARRACHÉ of Kennebec, President MITCHELL of Kennebec, NUTTING of Androscoggin, PERRY of Penobscot, SCHNEIDER of Penobscot, SHERMAN of Aroostook, SIMPSON of Androscoggin, SULLIVAN of York.

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.

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

ORDERS

On motion of Representative TREAT of Hallowell, the following Joint Resolution: (H.P. 1312) (Cosponsored by Senator BOWMAN of York and Representatives: BECK of Waterville, EBERLE of South Portland, LEGG of Kennebunk, MILLETT of Waterford, MORRISON of South Portland, Senators: ALFOND of Cumberland, BARTLETT of Cumberland, McCORMICK of Kennebec)

JOINT RESOLUTION RECOGNIZING MAINE'S CREDIT UNIONS

WHEREAS, Maine's credit unions are member-owned and member-governed financial cooperatives dedicated and committed to serving the needs of their members and communities. The not-for-profit structure of credit unions provides each member with an equal voice and representation in the operations of the credit union. Serving members in all 16 Maine counties and in every community, Maine's credit unions operate with the primary purpose of benefiting the more than 600,000 Maine consumers who use credit unions; and

WHEREAS, the economic benefit that Maine's credit unions provide to Maine consumers is approximately \$73,000,000 annually, as a result of lower and fewer fees on products and services, lower interest rates on loans and higher interest rates on savings; and

WHEREAS, Maine is once again ranked as the nation's 5th strongest credit union state based on the percentage of population that uses a credit union, a position Maine has held for 9 consecutive years. With more than 600,000 members, credit unions serve nearly one in every 2 Maine residents; and

WHEREAS, the 2,050 full-time and part-time employees of Maine's credit unions and the more than 1,000 unpaid volunteers who serve on credit union boards and committees demonstrate the core credit union values, philosophy and mission of people helping people by contributing to the communities they serve; and

WHEREAS, Maine's credit unions and their members have raised \$3,500,000 to help end hunger in Maine since 1990. One hundred percent of all money that is raised through the Maine Credit Unions' Campaign for Ending Hunger stays in Maine and goes directly to assist thousands of Maine families and individuals who otherwise would go hungry. In addition to contributing thousands of dollars to food pantries in communities across the State, Maine's credit unions also help to provide funds for statewide initiatives to help end hunger, such as being the

primary source of funding for the State's only Food Mobile. In partnership with Good Shepherd Food Bank, the Food Mobile has delivered over 1,000,000 pounds of food to food pantries in every Maine county since it began in 2005; and

WHEREAS, the credit union philosophy of people helping people was extended beyond Maine's borders when, in response to the recent 7.0 earthquake that struck Haiti, Maine's credit unions started a special fund-raising campaign, "Maine People Helping People Across The Earth - A Fund For Haiti," to help the millions of people affected by the tragic event; and

WHEREAS, in 2009, Maine's credit unions contributed more than \$1,000,000 to causes including ending hunger and to a number of organizations such as American Red Cross and Special Olympics. Maine's credit unions contributed more than 25,000 hours volunteering for organizations and activities in communities throughout the State, making a significant and positive impact not only on the organizations that received this assistance, but also on the people who were served by and benefited from the services and resources provided; and

WHEREAS, since 1921, Maine's credit unions have been enhancing the lives of thousands of Maine people, who have been helped to financial success and stability. Throughout Maine, credit unions continue to play a vital economic and socially responsible role in the lives of individuals and remain a local, significant and stable presence in the communities they serve; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fourth Legislature, now assembled in the Second Regular Session, take this opportunity to recognize the Maine Credit Union League and Maine's credit unions for their positive contributions and the significant role they have played in the lives of Maine citizens and their communities for more than 89 years. Their service and dedication to this State is a tribute to many of those values and principles that we all hold dear; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Credit Union League and its 66 member credit unions.

READ.

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

Representative **TREAT**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. Just very briefly, I just wanted to recognize the credit unions and the role that they play here in the State of Maine and particularly on behalf of the entire Insurance and Financial Services Committee, who see many credit union representatives on a regular basis because, of course, legislation affecting them is before us much of the time. As you may know, credit unions are nonprofit institutions, they are heavily involved in their community and you should check them out downstairs where they have many booths and people there to talk to you about credit unions, and we are happy to honor them here today. Thank you.

Subsequently, the Joint Resolution was **ADOPTED**.
Sent for concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Dianne Helprin, of Tremont, principal of Pemetic Elementary School in Southwest Harbor, who was named Maine's 2010 Elementary National Distinguished Principal by the Maine Principals' Association. Ms. Helprin, who has been principal of Pemetic Elementary School since the fall of 2002, previously

taught for 7 years in Ohio and was a principal of the South Lincoln Elementary School in Alliance, Ohio before moving to Maine with her family. We congratulate Ms. Helprin on her receiving this well-deserved honor and we send her our best wishes;

(HLS 1025)

Presented by Representative FLEMINGS of Bar Harbor. Cosponsored by Senator DAMON of Hancock, Speaker PINGREE of North Haven.

On **OBJECTION** of Representative FLEMINGS of Bar Harbor, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Bar Harbor, Representative Flemings.

Representative **FLEMINGS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I am honored to speak to you today about Dianne Helprin, the outstanding principal at the Pemetic Elementary School in Southwest Harbor, who was recently awarded Maine's 2010 Elementary National Distinguished Principal of the Year. I am very happy that she, her husband, Billy, as well as our superintendent, Rob Liebow, have been able to come here to join us today at the State House.

This award, given by the Maine Principals' Association, honors one elementary school principal in Maine each year for effective leadership, for a commitment to academic excellence, high expectations and standards, creating a culture that supports learning, contributions to the profession, and community service. Principal Helprin embodies all of these characteristics and achievements, and we are extremely lucky to have her as a leader for our students and for our community.

In announcing this award, the MPA executive director, Richard Durost, said that "Ms. Helprin's outstanding leadership of a K-8 school and her commitment to excellence in educating all students represent the very best qualities of the effective elementary school principal in Maine. Her commitment is clear and unequivocal. She is a strong educational leader and role model, who has high expectations for school staff, students, and herself."

As members of the community and school can attest, these words are right on the mark. She is beloved and admired across the school and community, and she provides incredible leadership at the school. Dianne takes time to know all the students and their parents, she celebrates the achievement of students and staff, she communicates and solves problems effectively, she builds community at the same time that she builds academic success. She has incredible experience and expertise and she shares her knowledge in constructive ways. She is very accessible to her students, staff and the broader community. She has created a culture of excellence and teamwork and the students thrive in this environment.

We are lucky to have Dianne Helprin as the principal of Pemetic and as a community member on Mount Desert Island. Across our school district, we have outstanding schools and students. As we can see from the fourth graders who are here today from the Mount Desert Elementary School who are here doing a great job paging, all of our schools provide excellent educational opportunities and help our children to excel. And we are supported by our dedicated school committees and school administration, as is shown by the presence our superintendent Rob Liebow, here today to support Dianne.

Again I honor and thank Principal Helprin for her outstanding leadership of the Pemetic Elementary School. On behalf of the entire Maine State Legislature, I give my warmest congratulations to Dianne for this very well-deserved award. Thank you.

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

Recognizing:

the League of Women Voters of Maine, a nonpartisan political organization, on the 90th anniversary of its founding. Founded in 1920, the league seeks to improve our system of government and affect public policies through citizen education and advocacy. The League of Women Voters of Maine works to promote the values and processes of representative government, encourages informed and active participation and works to increase understanding of major political policy issues. We send our appreciation to the League of Women Voters of Maine for their dedicated commitment to improving government. We extend our congratulations to the League on its 90th anniversary and send them our best wishes for continued success;

(HLS 1032)

Presented by Representative NELSON of Falmouth. Cosponsored by Representative ADAMS of Portland, Representative AUSTIN of Gray, Representative AYOTTE of Caswell, Representative BEAUDETTE of Biddeford, Representative BEAUDOIN of Biddeford, Representative BEAULIEU of Auburn, Representative BECK of Waterville, Representative BERRY of Bowdoinham, Representative BICKFORD of Auburn, Representative BLANCHARD of Old Town, Representative BLODGETT of Augusta, Representative BOLAND of Sanford, Representative BOLDOC of Auburn, Representative BRIGGS of Mexico, Representative BROWNE of Vassalboro, Representative BRYANT of Windham, Representative BURNS of Whiting, Representative BUTTERFIELD of Bangor, Representative CAIN of Orono, Representative CAMPBELL of Newfield, Representative CAREY of Lewiston, Representative CASAVANT of Biddeford, Representative CEBRA of Naples, Representative CELLI of Brewer, Representative CHASE of Wells, Representative CLARK of Millinocket, Representative CLARK of Easton, Representative CLEARY of Houlton, Representative COHEN of Portland, Representative CONNOR of Kennebunk, Representative CORNELL du HOUX of Brunswick, Representative COTTA of China, Representative CRAFTS of Lisbon, Representative CRAY of Palmyra, Representative CROCKETT of Bethel, Representative CROCKETT of Augusta, Representative CURTIS of Madison, Representative CUSHING of Hampden, Representative DAVIS of Sangerville, Representative DILL of Cape Elizabeth, Representative DOSTIE of Sabattus, Representative DRISCOLL of Westbrook, Representative DUCHESNE of Hudson, Representative EATON of Sullivan, Representative EBERLE of South Portland, Representative EDGECOMB of Caribou, Representative EVES of North Berwick, Representative FINCH of Fairfield, Representative FITTS of Pittsfield, Representative FLAHERTY of Scarborough, Representative FLEMINGS of Bar Harbor, Representative FLETCHER of Winslow, Representative FLOOD of Winthrop, Representative FOSSEL of Alna, Representative GIFFORD of Lincoln, Representative GILBERT of Jay, Representative GILES of Belfast, Representative GOODE of Bangor, Representative GREELEY of Levant, Representative HAMPER of Oxford, Representative HANLEY of Gardiner, Representative HARLOW of Portland, Representative HARVELL of Farmington, Representative HASKELL of Portland, Representative HAYES of Buckfield, Representative HILL of York, Representative HINCK of Portland, Representative HOGAN of Old Orchard Beach, Representative HUNT of Buxton, Representative WALSH INNES of Yarmouth, Representative

JOHNSON of Greenville, Representative JONES of Mount Vernon, Representative JOY of Crystal, Representative KAENRATH of South Portland, Representative KENT of Woolwich, Representative KNAPP of Gorham, Representative KNIGHT of Livermore Falls, Representative KRUGER of Thomaston, Representative LAJOIE of Lewiston, Representative LANGLEY of Ellsworth, Representative LEGG of Kennebunk, Representative LEWIN of Eliot, Representative LOVEJOY of Portland, Representative MacDONALD of Boothbay, Representative MAGNAN of Stockton Springs, Representative MARTIN of Orono, Representative MARTIN of Eagle Lake, Representative MAZUREK of Rockland, Representative McCABE of Skowhegan, Representative McFADDEN of Dennysville, Representative McKANE of Newcastle, Representative McLEOD of Lee, Representative MILLER of Somerville, Representative MILLETT of Waterford, Representative MITCHELL of the Penobscot Nation, Representative MORRISON of South Portland, Representative NASS of Acton, Representative NUTTING of Oakland, Representative O'BRIEN of Lincolnville, Representative PENDLETON of Scarborough, Representative PEOPLES of Westbrook, Representative PERCY of Phippsburg, Representative PERRY of Calais, Representative PETERSON of Rumford, Representative PIEH of Bremen, Representative PILON of Saco, Speaker PINGREE of North Haven, Representative PINKHAM of Lexington Township, Representative PIOTTI of Unity, Representative PLUMMER of Windham, Representative PRATT of Eddington, Representative PRESCOTT of Topsham, Representative PRIEST of Brunswick, Representative RANKIN of Hiram, Representative RICHARDSON of Carmel, Representative RICHARDSON of Warren, Representative ROBINSON of Raymond, Representative ROSEN of Bucksport, Representative ROTUNDO of Lewiston, Representative RUSSELL of Portland, Representative SANBORN of Gorham, Representative SARTY of Denmark, Representative SAVIELLO of Wilton, Representative SCHATZ of Blue Hill, Representative SHAW of Standish, Representative SIROIS of Turner, Representative SMITH of Monmouth, Representative SOCTOMAH of the Passamaquoddy Tribe, Representative STEVENS of Bangor, Representative STRANG BURGESS of Cumberland, Representative STUCKEY of Portland, Representative SUTHERLAND of Chapman, Representative SYKES of Harrison, Representative TARDY of Newport, Representative THERIAULT of Madawaska, Representative THIBODEAU of Winterport, Representative THOMAS of Ripley, Representative TILTON of Harrington, Representative TREAT of Hallowell, Representative TRINWARD of Waterville, Representative TUTTLE of Sanford, Representative VALENTINO of Saco, Representative VAN WIE of New Gloucester, Representative WAGNER of Lyman, Representative WAGNER of Lewiston, Representative WATSON of Bath, Representative WEAVER of York, Representative WEBSTER of Freeport, Representative WELSH of Rockport, Representative WHEELER of Kittery, Representative WILLETTE of Presque Isle, Representative WRIGHT of Berwick, Senator ALFOND of Cumberland, Senator BARTLETT of Cumberland, Senator BLISS of Cumberland, Senator BOWMAN of York, Senator BRANNIGAN of Cumberland, Senator BRYANT of Oxford, Senator COURTNEY of York, Senator CRAVEN of Androscoggin, Senator DAMON of Hancock, Senator DAVIS of Cumberland, Senator DIAMOND of Cumberland, Senator GERZOFKY of Cumberland, Senator GOODALL of Sagadahoc, Senator GOOLEY of Franklin, Senator HASTINGS of Oxford, Senator HOBBS of York, Senator JACKSON of Aroostook, Senator MARRACHÉ of Kennebec, Senator McCORMICK of

Kennebec, Senator MILLS of Somerset, President MITCHELL of Kennebec, Senator NASS of York, Senator NUTTING of Androscoggin, Senator PERRY of Penobscot, Senator PLOWMAN of Penobscot, Senator RAYE of Washington, Senator RECTOR of Knox, Senator ROSEN of Hancock, Senator SCHNEIDER of Penobscot, Senator SHERMAN of Aroostook, Senator SIMPSON of Androscoggin, Senator SMITH of Piscataquis, Senator SULLIVAN of York, Senator TRAHAN of Lincoln, Senator WESTON of Waldo.

On **OBJECTION** of Representative NELSON of Falmouth, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Nelson.

Representative **NELSON**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. This year marks the 90th anniversary of the League of Women Voters as you have just learned. Actually, the State of Maine was founded in 1820 and the League was started in 1920. This organization contributes in many ways to the strength of our democracy. It is nonpartisan, neither supporting nor opposing candidates or political parties at any level. The League encourages informed and active participation in government. It works to increase understanding of major public policy issues, including health care, climate change, election and campaign finance reforms, land use and education, and it educates and advocates for public understanding of those issues.

In 1920, the National American Woman Suffrage Association held its convention just six months before the 19th amendment to the U.S. Constitution was ratified – and of course, we all know that the 19th amendment gave women the right to vote in our democracy. I am sure that there were many energetic and enthusiastic women at that convention inasmuch as they were so close to the successful conclusion to a 72-year long struggle. Believing that democracy carries responsibilities, a convention attendee, Carrie Chapman Catt, founded the League of Women Voters. Calling it a "mighty political experiment," it was organized to help 20 million women, at that point, carry out their new responsibilities as voters. The League was one of our nation's earliest "grass-roots" organizations. It works to improve our systems of government and impact public policies through citizen education and advocacy. The League produces voter guides; it sponsors candidate forums and debates; it educates citizens on pending public policy issues; it works to pursue changes which it believes are in the common good.

I applaud the work of the League of Women Voters. They remain true to their original purpose and belief that an informed and active citizenry insures the strength and stability of our democratic form of government. I again send happy anniversary greetings to all involved with the League of Women Voters, and thank them for their important contributions to open and good government. Thank you, Madam Speaker.

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

In Memory of:

Joseph Eugene Boivin, of Rumford, a lifelong champion of community service. Born and raised in Rumford, Mr. Boivin was a professional firefighter for over 30 years and retired in 1989 as the Fire Chief of the Rumford Fire Department. During his career, he served as president of the Maine Fire Chiefs' Association and has been honored with certificates of appreciation from the Maine Forest Service, the American Red Cross and the State Fire Marshal. Mr. Boivin served 6 years in

the Army National Guard, was elected to the MSAD 43 school board, headed the Rumford Democratic Committee and served as a Rumford town selectman. Most recently, he volunteered countless hours to help families build their own homes with Community Concepts, Inc. Due to Mr. Boivin's dedication to his community, he was named Rumford's Citizen of the Year and received the Volunteer of the Year award by the River Valley Chamber of Commerce and the Commissioner's Award from the Maine Department of Health and Human Services. We acknowledge Mr. Boivin's commitment to his community and to the State. He will be greatly missed and long remembered by his loving family, his many friends and those whose lives he touched;

(HLS 1029)

Presented by Representative PETERSON of Rumford.

Cosponsored by Senator BRYANT of Oxford.

On **OBJECTION** of Representative PETERSON of Rumford, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **PETERSON**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. One of the real treats of legislative service is having the opportunity to hear at every one of our sessions sentiments expressed for outstanding achievements and lives well lived. Nothing is more inspiring than when the House presents a sentiment acknowledging someone from our community and our own history. It's a privilege today to add a word or two to this tribute to Mr. Boivin.

When you grow up in a small town, you become aware of what's happening all around you, both good and bad, even if you can not understand the details. Activities and people reoccur constantly and you catch sight of them almost wherever you go, always noticing them out of the corner of your eye. School events, community events, town events, some folks are always there and are always making things happen.

As a young person you become aware when people are up to something and Mr. Boivin was always up to something. What he was always up to was something good, something designed to serve his neighbors and the town that he loved. Fire chief, selectman, school board member, tireless volunteer with his bare hands, his huge heart and a vision for what our community could be, Eugene, both literally and figuratively, helped to build Rumford into the unique part of the world that we are today. Maine towns are blessed to have citizens like this and Rumford was particularly fortunate to have Mr. Boivin who was on just about every corner where there was something that needed to be done, or someone who needed to be helped, or a problem that needed a common sense solution.

A life of service like that of Mr. Boivin's inspires the next generation to pick up the work and continue the service. My world had been and was continuing to be forged by the care and service of Mr. Boivin's life, and I understand a little better now what his positive energy meant for my town as I was growing up. It is the spirit that is the best of Rumford and I want to add my deepest appreciation to his wife, Gerry, and brother, Arthur, who are here with us today for the great example Gene was to his friends and neighbors and all the people of the River Valley who had a chance to see him in action. He is fondly remembered and will be missed. He touched many lives in many ways and I am proud to acknowledge the many ways in which he touched my life too. Thank you, Madam Speaker.

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

Representative **BRIGGS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise in honor also of Joseph Eugene Boivin, of Rumford, or Gene as we called him. He was a lifelong champion of community service and especially to the Rumford Fire Department. He has done some amazing and wonderful things for Rumford and the State of Maine as we've just heard.

The first time I met Gene was when he came into the Mexico Town Office. As I work there, Gene came storming in on a mission one day, needing to see the town manager, but this was Gene. When he set his mind to something, he did it. And he did it with passion and love. He has touched so many lives. As I thought about what he has done over the years, he had a hand in just about everything and his presence will still be felt for many years to come.

Last year, Representative Peterson and I had the honor of presenting Gene with a Legislative Sentiment along with an American Flag at his birthday celebration. He also received a congratulatory letter from his dear friend, Governor Baldacci. Gene was so surprised and touched, and at a loss for words, that all he could do was just cry. This sentiment presentation meant as much to Representative Peterson and I as it did him. May Gene's commitment to his community and to the great State of Maine never be forgotten. Thank you, Madam Speaker.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Allow the Town of Wells and the Town of Ogunquit To Amend the Terms of Their Cost-sharing Agreement for Their Community School District and To Provide Each Town the Ability To Withdraw from the Wells-Ogunquit Community School District" (S.P. 670) (L.D. 1747)

Signed:

Senators:

SCHNEIDER of Penobscot
WESTON of Waldo

Representatives:

SUTHERLAND of Chapman
FINCH of Fairfield
LOVEJOY of Portland
RICHARDSON of Carmel
McFADDEN of Dennysville
JOHNSON of Greenville

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-422)** on same Bill.

Signed:

Senator:

ALFOND of Cumberland

Representatives:

CASAVANT of Biddeford
WAGNER of Lewiston
NELSON of Falmouth
RANKIN of Hiram

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

READ.

Representative SUTHERLAND of Chapman moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act Concerning Statewide Communications Interoperability" (H.P. 1201) (L.D. 1700)

Signed:

Senator:

DAVIS of Cumberland

Representatives:

HANLEY of Gardiner
LAJOIE of Lewiston
GREELEY of Levant
SCHATZ of Blue Hill
BURNS of Whiting
WHEELER of Kittery
MAGNAN of Stockton Springs
SYKES of Harrison

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-775)** on same Bill.

Signed:

Senators:

GERZOFISKY of Cumberland
NUTTING of Androscoggin

Representatives:

HASKELL of Portland
PLUMMER of Windham

READ.

Representative PIOTTI of Unity moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

BILLS IN THE SECOND READING

Senate as Amended

Bill "An Act To Regulate the Use of Traffic Surveillance Cameras" (S.P. 598) (L.D. 1561)

(S. "B" S-432 and S. "C" S-453 to C. "A" S-401)

Bill "An Act To Require a Pharmacist To Provide Prior Notification to and Obtain Consent from the Prescribing Physician before Changing from One Formulation or Manufacturer of an Antiepileptic Drug to Another" (S.P. 644) (L.D. 1672)

(S. "A" S-434 to C. "A" S-390)

Bill "An Act To Adopt the Common Core State Standards Initiative" (EMERGENCY) (S.P. 705) (L.D. 1800)

(C. "A" S-423)

House as Amended

Bill "An Act To Require Insurance Companies To Cover the Cost of Prosthetics"

(H.P. 15) (L.D. 20)
(C. "A" H-748)

Bill "An Act To License Home Building and Improvement Contractors"

(H.P. 215) (L.D. 272)
(C. "A" H-760)

Bill "An Act To Require Private Insurance Coverage for Certain Services for Children with Disabilities"

(H.P. 313) (L.D. 425)
(C. "A" H-663)

Bill "An Act To Make Maine's Laws Consistent with the Federal Family Smoking Prevention and Tobacco Control Act"

(H.P. 1086) (L.D. 1542)
(C. "A" H-776)

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

Representative PERRY of Calais assumed the Chair.
The House was called to order by the Speaker Pro Tem.

ENACTORS
Emergency Measure

An Act To Amend the Laws Governing the Somerset County Budget Procedure

(H.P. 1061) (L.D. 1512)
(C. "B" H-640)

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

Emergency Measure

An Act To Regulate the Transportation of Firewood

(H.P. 1135) (L.D. 1607)
(S. "A" S-442 to C. "A" H-667)

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

Emergency Measure

An Act Regarding Community-based Renewable Energy

(H.P. 1197) (L.D. 1696)
(C. "A" H-730)

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

Emergency Measure

Resolve, To Clarify the Reporting of Debt Service Costs and the Allowance of Minor Capital School Improvement Projects Costs under Essential Programs and Services

(H.P. 1187) (L.D. 1686)
(S. "A" S-437 to C. "A" H-660)

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

Emergency Measure

Resolve, Regarding Legislative Review of Chapter 348: Poultry Slaughter and Processing with Grower/Producer Exemption, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources

(H.P. 1255) (L.D. 1765)
(C. "A" H-728)

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. 120 voted in favor of the same and 1 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

Emergency Measure

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

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

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

Resolve Pursuant to the Constitution
Public Land

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)
(C. "A" H-723)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 23 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 124 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

The Speaker resumed the Chair.
The House was called to order by the Speaker.

Acts

- An Act To Strengthen the Laws against Cruelty to Animals
(S.P. 605) (L.D. 1598)
(C. "A" S-419)
- An Act To Update the Laws Affecting the Department of Health and Human Services, Division of Licensing and Regulatory Services
(H.P. 1189) (L.D. 1688)
(C. "A" H-744)
- An Act Containing the Recommendations of the Criminal Law Advisory Commission
(H.P. 1277) (L.D. 1789)
(C. "A" H-742)
- An Act To Implement the Recommendations of the Working Group To Study Landlord and Tenant Issues
(H.P. 1278) (L.D. 1790)
(C. "A" H-719; H. "A" H-743)
- 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, Regarding Commercial Electricity Customers Whose Bills Increased after a Decrease in Electricity Use
(H.P. 1119) (L.D. 1581)
(H. "A" H-739 to C. "A" H-700)
- Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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 (6) **Ought to Pass as Amended by Committee Amendment "A" (H-677)** - Minority (4) **Ought to Pass as Amended by Committee Amendment "B" (H-678)** - Committee on **NATURAL RESOURCES** on Resolve, Regarding Legislative Review of Portions of Section 10: Stream Crossings within Chapter 305 Permit by Rule Standards, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)
(H.P. 1224) (L.D. 1725)
- TABLED - March 9, 2010 (Till Later Today) by Representative DUCHESNE of Hudson.
- PENDING - **ACCEPTANCE OF EITHER REPORT.**
- On motion of Representative DUCHESNE of Hudson, the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.
- The Resolve was **READ ONCE**. **Committee Amendment "B" (H-678)** was **READ** by the Clerk.
- Representative DUCHESNE of Hudson **PRESENTED House Amendment "A" (H-778)** to **Committee Amendment "B" (H-678)**, which was **READ** by the Clerk.
- The SPEAKER: The Chair recognizes the Representative from Hudson, Representative Duchesne.
- Representative **DUCHESNE**: Thank you, Madam Speaker. This is the culverts bill, which I think a lot of members of the House may have heard about from their various municipalities. The Minority Report reached the conclusion that the rules needed more work. Well after the bill left our committee, a question developed between the Department of Environmental Protection, the Department of Transportation, the Army Corps of Engineers,

and they really could not work it out during the course of this session. So there is now broad agreement that the Minority Report is correct, that the rules do need more work and they're not ready for final adoption.

House Amendment "A" does attach two provisions where there is very broad agreement. The first is brand new culverts, brand new stream crossings should meet the federally required standard. You don't want to put in a bad one when it's brand new. The second is that repairs and replacements will not have to meet the standard right now. The department is required to work with the municipalities over the next year or two, assess the impacts, and work with the stakeholders and recommend changes next year. Thank you, Madam Speaker.

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 concur. Thank you.

Subsequently, **House Amendment "A" (H-778)** to **Committee Amendment "B" (H-678)** was **ADOPTED**.

Committee Amendment "B" (H-678) as Amended by **House Amendment "A" (H-778)** thereto was **ADOPTED**.

The Resolve was assigned for **SECOND READING** Friday, March 26, 2010.

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

Bill "An Act To Improve Employment Opportunities for Maine Workers in the Forest Industry"

(H.P. 1094) (L.D. 1552)
(C. "A" H-738; H. "A" H-772)

TABLED - March 24, 2010 (Till Later Today) by Representative PIOTTI of Unity.

PENDING - **PASSAGE TO BE ENGROSSED.**

On motion of Representative MARTIN of Eagle Lake, the House **RECONSIDERED** its action whereby **House Amendment "A" (H-772)** was **ADOPTED**.

The same Representative moved **INDEFINITE POSTPONEMENT** of **House Amendment "A" (H-772)**.

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

Representative **MARTIN**: Thank you, Madam Speaker. You'll notice that there are two amendments on your desk this morning, identical, and one has a Senate number to it and the other is the one that I have. After we did what we did yesterday, we assumed that the bill was on its way to the other body. As it turned out, we reconsidered it, which I appreciate having done that because we were able to catch the error here, so now what we're doing is correcting, we will be correcting with the next offer that I will make on the amendment, the issue in terms of whether or not it is one time and what is whether or not it's a longtime loss. That was never the intent so this is clear, but I'll talk about that once I offer the amendment and so the pending motion I urge you to vote for.

Subsequently, **House Amendment "A" (H-772)** was **INDEFINITELY POSTPONED**.

Representative MARTIN of Eagle Lake **PRESENTED House Amendment "B" (H-779)**, which was **READ** by the Clerk.

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

Representative **MARTIN**: Thank you, Madam Speaker. As I said earlier, after we did what we did yesterday, a number of the staff people caught what I actually said and did some work on the amendment, and based on some of the comments by the

Representative from Bath we were able to put that together yesterday afternoon. So this corrects the issue of whether or not it is one time or whether or not it is in perpetuity, but it is clear it's one time. In addition, it is on the parcel in question, does not include the entire land ownership that the person may own.

Subsequently, **House Amendment "B" (H-779)** was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-738)** and **House Amendment "B" (H-779)** and sent for concurrence.

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

HOUSE REPORT - Ought to Pass as Amended by Committee Amendment "A" (H-736) - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend the Laws Regarding Authority over and Oversight of Certified Nursing Assistant Educational Programs"

(H.P. 1205) (L.D. 1704)

TABLED - March 18, 2010 (Till Later Today) by Representative PIOTTI of Unity.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT**.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-736)** was **READ** by the Clerk and **ADOPTED**.

The Bill was assigned for **SECOND READING** Friday, March 26, 2010.

HOUSE DIVIDED REPORT - Majority (8) Ought Not to Pass - Minority (5) Ought to Pass as Amended by Committee Amendment "A" (H-741) - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Create the Children's Wireless Protection Act"

(H.P. 1207) (L.D. 1706)

TABLED - March 22, 2010 (Till Later Today) by Representative SANBORN of Gorham.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

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

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

Representative **PERRY**: Thank you, Madam Speaker. This amendment amends the complete bill to direct the Department of Health and Human Services to encourage the wireless telecommunications industry to conduct an informational campaign in this state to inform cellular telephone customers about the scientific information available regarding potential health affects related to radio frequency emissions by cellular telephones during use. As well as that there is a letter from the committee requesting the CDC offer information through the public health network for those who may want further information on this. This also is on the Majority Report as well. Thank you.

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

Representative **LEWIN**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I'm not sure it had come as a big surprise to anybody that I'm opposed to this bill. We heard lots and lots of testimony when this bill was brought before our committee. Much of it came from California; some of it came from Europe. We had a tremendous amount of

written material given to us about this bill.

Among the bits of written material that we had, we had a brochure that was provided to us that didn't particularly list anybody as responsible for it. But on page 8 of that brochure that was given to us, under a title that says "Links to Some Cell Phone Legislation and Warnings", there was a paragraph that says first France, then Israel, then State of Maine in the U.S. And the paragraph says, in 2009, an emergency bill requiring warning labels on cell phones unanimously passed a committee of the Maine State Legislature, and it goes on at quite great length. My seatmate pointed that out to me since she is a terrific reader of every single thing she sees and had to leave the committee to present a bill in another department. So I asked the question "Who is responsible for the brochure?" and didn't get an answer, and I asked that a couple of times and didn't get an answer. Finally, I did get an answer from someone who was about to testify that she could answer any question I might have about that. So I asked the question and the question was, was I napping at the time that that bill passed through the House and through the other body and was made law? Did it really get past my fat little face and I just flat out missed it? The answer was clearly no. What was printed in that pamphlet was untrue. We were asked then to take all the pamphlets back so they could be corrected and I said, no, I don't think so, that was given to me, that was part of the record, I believe I'll hang right on to that.

So a week later it comes before our desks here in the House, the pamphlet with the offending paragraph removed. When I asked the question of the person who said they could answer for me why that was there and if it was true, the answer was it was a mistake, and I have to tell you I can't imagine how a mistake like that gets printed. It was absolutely untrue. So I wasn't real happy about that and it causes me to have real question about a lot of the testimony that I heard from an extraordinarily well organized group of people who came to Maine to pass this bill. Personally, I think they came here because they couldn't pass it where it came from and they wanted the national movement to take route. As evidence of that, I would say we've had the *Wall Street Journal* write about it and we know they are always accurate in everything they write, we've had CBS do a piece on it on the news and today we have HBO filming. So we've got a big national movement for something that I think is absolutely irrelevant.

I think if we believe that we have a problem with children using cell phones, that frankly the parents should be responsible for the children using those cell phones. I personally do not understand why children are running around 24 hour days with a telephone. I don't understand why they've all got iPods, BlackBerries, blueberries, every kind of berry. I don't understand that and it bothers me. I think we have parental responsibility and the parents ought to know what their kids are doing and if they're worried about cell phones, which do have a little warning required by the Federal Government in the brochures with them when they're sold, then the parents should just grow up, get a grip and do something about the kids overuse of cell phones. So that's one thing.

As far as the opponents of this bill goes, our CDC director, whom I've known for seven and a half years and have great respect for, Dr. Mills, has said there's nothing to this issue. We had other scientific testimony that said in the last 20 years brain tumors have been pretty flat, not a lot of growth in that as an illness, and that's good news would that it were declining, but it doesn't seem to be. It's flat. I would submit to anybody who is an observer of the human condition, cell phone sales have been rising over the last 10 or 15 years, and point of fact, they've been skyrocketing while this particular rate has stayed flat. So I didn't

hear a whole lot of evidence that we've got a major problem here or anywhere else in the world.

I'm reminded the first few years that I was here, every year a lead paint bill came before my committee and we were all very worried that every year 300 children suffer from lead paint poisoning. We were so worried that we started charging another 50¢ to a gallon for paint for people to pay for education to see that we wouldn't have any more lead paint issues. Well, guess what folks? Here we are many years later. We've still got the same 300 kids getting reported as having lead paint poisoning. So if we're looking to do an education program for wireless cell phones, I would submit to you all that we'll probably get exactly the same result we got with the lead paint bill. We'll still have the same problem if people really believe it to be a problem. Personally, I do not believe it to be a problem and I don't think that we really need to continue to bring legislation into the State of Maine to solve a problem that does not exist. I absolutely cannot buy that.

I've thought a lot about this and I've thought to myself, well, here I am, a fairly round 70 year old lady with a pair of bad knees, lots of asthma and a few other issues. And I've thought to myself, should I really run myself right down to the Revisor's Office and file a bill that would say that every public building in the State of Maine should have a sign at the bottom of every stairway and another one at the top that says ascending or descending these stairs can be hazardous to your health. Well, I'll tell you what. Speaking as a gal with bad knees and a cane, I ought to be smart enough to know ascending or descending those stairs can be hazardous to my health. And I hope that I have the commonsense to know that if there is an elevator, a wise person really ought to use that. I don't need a warning to tell me that. I don't need somebody to pay for the expensive signs at the top and bottom of stairways to tell me that. I think I ought to be exercising my commonsense and I think that this bill should absolutely be killed here in the House and again in the other body. There is no need for it. I absolutely cannot understand why we feel compelled to bring bills here that really have no relevance and no merit, and I am hopeful that you will not vote to support doing anything other than having done with this bill. Thank you so much.

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. After that speech, I don't know where to start. All I can say is the good Representative from Eliot hit it right on the mark, among other things. Dr. Mills said we did not need this bill and Dr. Mills wasn't treated very nicely by these people. They're all from California and I asked them why they came to Maine and they said they were invited up here to Maine. I don't think we need this bill. It was voted down 8-5. It should remain voted down and I ask you to follow my light when we vote. Thank you very much.

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

Representative **EATON**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I've always admired an underdog. I'm reminded of David and Goliath. I'm also reminded of why I'll never be a Yankees fan. The good Representative from Sanford took on another giant. Our government and our state have done this in the past. You know, we talk about this being irrelevant. I do not think that public health is irrelevant now, has ever been in the past or ever will be in the future. Forty of fifty years ago, we didn't have the commonsense not to smoke, we didn't know. We were told by people there was no harm to your health, make your own choice

but there is no harm to your health. We didn't have the science. There was dispute about the science. Over the next decade or two, the science became obvious and clear to all of us and since those days, we've made every effort to try to eliminate that from our society to the best of our abilities.

Recently in this Legislature, we confronted the chemical factories and deca and we were told that it wasn't a real hazard or a real danger to our citizens. I don't know if that cell phone to my ear is or is not. I do know that the iPhone, within its documents, says keep it 5/8ths of an inch from your head. I do know that other documents state that too. I find it hard to believe they throw that in there in tiny print for no reason whatsoever. Commonsense. Commonsense tells me that as representatives of our citizens, we discuss these issues, we bring them to light and we may or may not decide at any given time that it's not relevant to bring that forward at that time. I might be in agreement that I'm not convinced of the science, that I put that phone to my ear and I'm going to end up with a tumor in my head or some kind of cancerous circumstance, but I am not unconvinced that it might not be the case. And I would like to thank and commend the good Representative from Sanford for bringing this issue to light, putting it on the table, and allowing our citizens and our government to discuss this in an open environment and make a proper decision, if not now, somewhere down the line, and I'm more than happy to Accept the Minority Ought to Pass Report. Thank you, Madam Speaker.

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

Representative **EVES**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise today in support of the pending motion as a committee member on the report. Before I outline how and why I came to conclusion I did to support the amended bill, I think it's important to point out that this is not the bill that received so much media attention. Whatever bias or prior information you may have received, I think it's important to clear your mind and hear what the bill currently and actually does.

We are not talking about labeling cell phone bills with a warning, rather we are talking about informing consumers of their potential risk of radiation and how the consumer could reduce their exposure to radiation if they came to this conclusion after informing themselves. What this bill does do is ask the cell phone industry to engage in an educational campaign to inform consumers of the potential risk of radiation exposure. The irony I find in the request is that many of the cell phone manuals already have much of this information. The problem is that the information is tucked away in the back of manuals in very small font. What the bill requests is the cell phone industry pull this language out of the back of the manuals and put it into a readable format to inform consumers. The language that is being requested to be used is the language the FCC and EPA already uses to inform consumers.

I've learned a lot of things through the public hearing and work session. One thing I was surprised to find out was that the manuals note that to meet the FCC standards for exposure, you need to hold the cell phone away from your head. This is in the manual and not to dispute it. I believe this bill is a modest and reasonable step towards the middle, of balancing the risk to consumers and current unknowns. When the rest of this story is told years into the future, I do not want to have sat in my seat silent. I believe this bill strikes a reasonable balance. I ask that you support the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Sanborn.

Representative **SANBORN**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. First, I want to thank Representative Boland for all of her tireless work on LD 1706. She has been passionate about seeing this through the legislative process and clearly increased the state's, and I dare say, the whole country's awareness of one of the potential ills of cell phone use. That said I support the Majority Ought Not to Pass Report.

Over the past two years, I have developed great respect for Dr. Dora Anne Mills, director of the Maine CDC. She is brilliant and at the same time so down to earth and levelheaded, just one of us Mainers. Dr. Mills made several points in her testimony on LD 1706 that I would like to reiterate. First, she said to warn against something, there should be a defined risk. The Maine CDC reviewed numerous studies and studies of studies, including much research from the U.S. CDC, NIH, National Cancer Institute, FDA, FCC and a variety of foreign studies and found that they did not indicate a defined cancer risk to warn against. Rest assured, however, that many studies are and will continue to be ongoing.

Secondly, Dr. Mills states her main reason for opposing the bill is that the CDC believes that the cautionary principle is applied already. I would like to read her explanation of this principle. In essence, the precautionary principle provides a rationale for taking action against a practice or substance in the absence of scientific certainty rather than continuing the suspect practice while it is under study or without study. Instead of asking what level of harm is acceptable, a precautionary approach asks how much exposure can be avoided, what alternatives to this product or activity are there and so on.

Currently one can go to the FDA website and find specific recommendations on how to reduce radio frequency exposure to cell phones. That is to hold it away from the head, use it in speaker mode or with a headset, etcetera. The CDC, NIH, FDA and FCC are providing information supporting research and monitoring the situation related to possible associations between cell phone use and cancer. Dr. Mills made it very clear that with the Majority Report, she would put much information on the Maine CDC website that could be used for finding out as little or as much information as any particular person might want, including a reference to many of the studies that have been done to date that we have on cell phone use and associated potential risks. She made a commitment to network with primary care offices in this state and asked that medical providers include precautionary information on decreasing the exposure to radio frequency from cell phones as part of the patient education provided at well child visits. These are appropriate steps for the uncertainty of scientific data that we have to date. Please join with me in supporting the Majority Report or vote against the Minority Ought to Pass Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Crystal, Representative Joy.

Representative **JOY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. If we're going to start putting warnings on all of the things that have electromagnetic force to them, then we would have to have warning symbols on everything that we have that we plug into the wall or carry around with us. I worked for three years under a radar which had very intensive emanation and wore a device to measure the problem and, after three years, I still had not exceeded what they considered was a limit. Madam Speaker, I request a roll call.

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

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

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

Representative **STRANG BURGESS**: Thank you, Madam Speaker. Okay, so where can I begin here? First of all, you know you've seen me in pink so you know you're going to hear a little bit about cancer and somehow that seems to fit the conversation of today. I think you probably know at this point that I am a cancer survivor, 11 years. I've got to tell you, before I was diagnosed with cancer I was going through my life thinking I had the world by the tail, thinking I was doing everything in moderation and you hear all these things, different hotdogs and do this, and it was like whatever you do, do it in moderation and life goes on. I also was one of those that believed what I was told, sort of perhaps a little naively, but I believed that you have to prove yourself to me personally that you've been untruthful before I would actually believe that someone would be untruthful in their information. I got cancer. So what did I do? Well, I don't know the answer to that, but I work really hard every day to support research and all so we can perhaps try to figure this out, so that in the future we can understand. But here's what I've learned. I've learned that we don't know much of anything. We know or we don't know why does the cancer gene or the cancer cell unlock in me and not someone else, and it seems very random. A lot of times I talk to survivors and it just feels like we're walking, we're all sort of hand in hand walking forward through life and then the person beside you is gone. Why? What did they do that was any different than what I was doing? So what I think based on 11 years of pretty intense experience dealing with people on an ongoing basis who have all different kinds of cancer, I've learned that we don't know. I've learned that it's probably a combination of heredity and genetics. It's a combination of the foods that we're eating, something about all these different additives and all of that. It's something about the air we breathe. It's something about the water we drink. It's basically out there. Now we all carry a cancer gene or a cancer cell. Why does it unlock in some and not the others? Well, there are different triggers and we do not know for certain per person what the trigger is. So the message on that is that we have a lot to learn.

Now I want to tell you a little bit about my experience with cellular. I was lucky enough to be hired by one of the first companies in the State of Maine to market cellular telephones. The first switch came on in '87. I was one of the first few calls to go through the Maine switch. I stayed up until 2 o'clock in the morning when they finally turned it on and it was the coolest thing. Because, as many of you know, I like to communicate and yes I like to talk, and so I thought having a cell phone was going to be the cat's pajamas, and I had one and my first cell phone was 3 watts. Now most of you probably don't even know what wattage your phones are, but I can tell you they are less than 1 now. We actually were told by the industry when it came to marketing our cellular telephones, they were portable phones, if anyone remembers the bag phones. Or for awhile we had these phones that had like a battery that was about the size of a small battery, it was about six inches tall, about three inches thick and on the top of it, it had the actual receiver and it had a little curly cord. Remember curly cords? Well, these were perfect for contactors and folks that were in the field, needed to be in touch with their office. We were told when we photographed these phones to make sure we always showed the phone battery away from the body. So usually we'd do the guy out at the work site and we'd put the phone on the hood of the car and then the cord was about this long, so we'd have him put his foot up on the

bumper and talk on the phone. We were never to ever film or have a picture of anybody sitting down. And if you sit down with a cord that's this long, where do you put the battery? Well, you put it between your legs. I actually had a number of men, we were told to never show it like that, a number of men who told me that, oh yeah, they've done that, they've done it once and they felt it, they absolutely felt it, and that was a really eye-opener to me.

Fast forward here, present time, we're no longer attached to a little curly cord, but we have information and radio frequency, RFs, SARS, which is the saturation index for absorbing all of this frequency stuff that's in the air, and, yes, the problem is much bigger than a cell phone. We're getting bombarded with all kinds of things. Again, the majority of the people are going to be just fine with this, but perhaps they're not. Perhaps you are the one that's not going to be so fine. Do you remember the cellular phones that we had that were truly portable and they had the antenna, we had the little antenna and you'd run around and you had to get close to the cell and all that? Those were putting out more than the wattage that we have now. So if you were an early cell phone adapter, you were getting some humdinger rays into your head. Now the cellular phone industry has changed technology and all of that, it's evolved, and partly it's evolved because we knew that it had to be done differently because you can't have that amount of wattage next to your head, it's not a safe thing to do. So fortunately, hopefully, we've addressed that to a certain extent.

Now what happens if you're a child? We can sort of make all the jokes you want about thick heads. As an adult, your skull is thicker and more solid, if you will, than a young child's. Your skull is just not as thick. Imagine, we have lower wattage today on a thinner skull, i.e., our kiddos who are running around with these things and they're sleeping with them, texting all night, by their head in the pillow. It's wild. So there is, I think, some legitimate question in my head.

Now let me go back to how I have come to question the FDA, the FTC, the FCC, all of those groups. A number of years ago, I was sued by Monsanto. I was working for Oakhurst Dairy who is the first dairy in the country to actually go out there and say that they had no bovine growth hormones in their milk. As they say, they never had it and they never will, and it's a stance that Oakhurst Dairy took many, many years ago. Monsanto introduced bovine growth hormones in the early mid-'90s, '94, '95, and it swept all over the country and in Maine. So we were marketing Oakhurst Dairy as saying that nothing disparaging about the bovine growth hormones, simply that your choice was Oakhurst didn't have it, and Monsanto sued Oakhurst and thereby also sued me. I spent three days in the basement of the Regency Hotel with TV cameras on me and stenographers writing down everything they could possibly write down, and they put their full force into what Oakhurst was doing, was a bad thing. Why, because the FDA said that using bovine growth hormones is no big deal and has been proven to do nothing bad. Let me tell you about the company Monsanto. Have you ever heard of Agent Orange? The Agent Orange, now we're all sort of like, oh my god, Agent Orange was so terrible. Agent Orange and the reason our servicemen and women were put in such danger and ultimately have died from Agent Orange was that it was rushed through, it was going to be this great herbicide and kill off things so we could win the war. Instead, we ended up killing off our own service people who were exposed to it. It was sprayed on top of them. Why, because the FDA and all of that who was involved in approving that product in Washington was given bad science. They bought it, hook, line and sinker, and you think some money is involved here? Yes. And so for years our service people

came home, had tons of issues from Agent Orange and our government still said Agent Orange was just fine, and it finally took a citizens' outcry and the volume of people that were sick from Agent Orange to finally get that banned.

Well folks, can you imagine the conversation that people have to have to get to the FCC and the FDA and the FTC to agree to anything? And yet every single cell phone manufacturer is required by American law to have a disclaimer. It's in every single manual of any cell phone that you all own. Now I wish you luck trying to find it. Some of the manufacturers have been more forthcoming than others as to where it's placed, but it's there. Can you imagine what the conversation and the presentations that happened in Washington, now probably several decades ago, that said you must require all cell phone manufacturers to have information in their booklets to educate people about the concerns, about radio frequency and radio absorption saturations? Can you just imagine that? Do you think that maybe they presented a lot of evidence, and since I know that those guys must be really, you almost have to hit them over the head with the obvious and Agent Orange was pretty darn obvious to most people. These guys, FCC, said, alright, we believe there is some question here so we need to educate the public. You all were passed out yesterday a photocopy from the iPhone 3G and, if you have your glasses, you can read it in context here, a paragraph that's been pulled out for you. It's pretty amazing when you read it. In fact, we're having a call now. Make sure you use your headset. It actually said in the iPhone 1 not only is it recommended to hold the phone away from your head when you're using it, which I don't know about you but that doesn't work well for me, but that the SAR measurement may in fact exceed the FCC exposure guidelines for body worn operation, meaning that you've got to have long exposures to this stuff. We also heard evidence that it takes perhaps 20 or 30 years for the actual issue, if you are going to be one of those that's unfortunate to turn on your cancer cell, it's going to be years in the future. We're not going to see the evidence for that right now. I think what we're starting to see now is I have a few friends, I have one who we've lost. He was an early adapter to cell phones. He probably had it next to his head about 24 hours a day. He's not here now. He probably used one of those early phones that was just cooking his brain. Thankfully, again, we're not doing that today. The bill before us today is nothing to do with warning labels at this point. Yes, it started out as a warning label conversation. I think that there are so many different issues that are causing cancer in people that we couldn't begin to label everything. But I do believe that we need to educate because there are other ways, there are headsets, which are gaining in popularity, we have Bluetooth in your cars and things like that, and I think if you knew that anything that you do to excess is not a good thing for your body. So again, it's education. This bill before you today has been changed dramatically. I agree that we are not ready, we do not know nearly enough to put a warning label on the phone. I think that was probably just a little too far, we're not ready for that. But it is a conversation, along with a lot of other things that people need to know about.

So the Minority Report has three parts to it. One is Dr. Dora Anne Mills, who agreed that they could absolutely help with a little bit more education, and so one part of this report is asking Maine CDC to link up—the EPA, by the way, has a lovely thing on their national website about the radio frequencies in cellular phones, and she agreed with that and she's going to link up some links or have a section on the Maine CDC site for information, because right now it's really hard to find that. By the way, on the EPA site, the national site, it says you know there are concerns, concerns and right now there is no research that's

been done that talks about on kids. We've done it on the adults but not kids. So the second part of this Minority Report is a letter to the EPA, the FCC, saying we in the State of Maine have had this bill before us, we've listened and whatever, and that we would encourage them to initiate more research, especially directed towards kids. So that's the second part. The third part is to ask one of the national trade associations for cellular industry, CTIA, which is a cellular telephone association, saying, again, here in the State of Maine we've heard this issue and, folks, it's kind of a warning shot across the bow because it's now going to be talked about all across the country, and it would be really good. As a private sector person, I like to encourage private sector business to police themselves as opposed to have a law, and so it asks them to step up the education of their consumers and their constituency about this concern. And it can be done in a very positive way for them, which is simply really push headsets and why headsets are really good for you, which is convenience and da-da-da-da and, oh yes, it cuts down on the direct wattage and exposure to RF. I mean it doesn't have to be a horrible like terrible warning thing, it's just a safety thing. So that's what the Minority Report is.

The Majority Report is only different by two parts. It only asks the Maine CDC to put something on their website, it doesn't go further. It doesn't send a letter to Washington saying you guys really should step this up and do some better research. It does not ask the cellular industry to do anything. So that's the difference. No labels here. It's not hysterical on either report. I'm hoping that you will give strong consideration and please support the Minority Report. You've heard from some folks. There are just questions out there by doing really either report, but doing the Minority Report is not saying that cell phones are bad. In fact, cell phones are wonderful. It's just do you want to be involved in doing nothing. It's saying it's junk. In 10 years, when your son or daughter has a brain tumor and I hope to God that that never happens to any of you, but there is just enough knowledge that we all have that puts it into question. So Madam Speaker, I would ask for everyone's support please for the Minority Report today and hopefully we can finish with this and get on to our wonderful load of very important work that we have in front of us. Thank you.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Harvell.

Representative **HARVELL**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. The question here I have is posed differently. What can the danger be of doing this? The suggestion is that there really can be no danger, we're just merely asking for a study, asking people to come back. Well, we're starting to make a suggestion that perhaps you're lugging a carcinogen or a cancer causing agent in your pocket.

Recently in the western Maine mountains in Sugarloaf, there were four skiers, snowboarders, who went off the trail and got lost. Well, thank God they had what in their pocket? They had a cell phone. They called up the emergency agents, they were able to triangulate their position and give them advice on how to make it through the evening. If you begin to suggest and install fear into a product where there's no scientific evidence that is there, people start to think well maybe I shouldn't have this with me, maybe I shouldn't have it in my pocket.

I don't know a lot about technology. I got my first cell phone when I got involved in politics, so maybe there ought to be a warning label when we go file our declaration of intent. But I had an eight year old daughter two years ago and this was an educational experience for me. My wife and I got new cell phones. We had the old cell phone and my daughter is not

allowed to have a cell phone, so we've got this discontinued cell phone, I believe. She wanted to know if she could have it. Sure. But I did tell her she couldn't take it to school. Well, she didn't listen to that part of what I said. So I wake up one afternoon after working a nightshift and my cell phone has four messages from the Farmington Police on it about why had I been calling 911 from this number. Well, I hadn't been calling 911 from that number; I'd been asleep all day. I then went to the answering machine; found out that the principal of the Mallett School would like to have me come talk about my daughter. I went to school and a long story short, the one thing you can do with an abandoned cell phone that I was unaware is dial 911, and the reason that this is so is because they take a lot of these discarded cell phones and give them to abused women advocacies and situations where people may be in danger where they can't afford a cell phone and that actually gives them a number.

There have been some comparisons here with cigarettes that I've heard in the hallways. You know, cigarettes, years ago people thought—well, I've never been under the influence that people thought cigarettes were healthy in the past—they called them coffin nails 100 years ago and I don't believe that was because they thought they had medicinal value. But when you begin to suggest that a product is dangerous when there isn't the slightest bit of evidence that it's dangerous, you can create an atmosphere where people may not use this or may not have it with them, when in fact their very lives could be in danger. So I would ask that you consider that when you vote on this motion. Thank you very much.

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

Representative **BOLAND**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise in support of this bill and I have to say I appreciate the work of the committee in coming to some compromise and a way to help move information further towards our people. In the end, this bill isn't just about cell phones. It's not even really about science. It's about leveling the playing field for our constituents, the people of Maine, with big industry, big government that has so much influence and so much power and so much resources to influence how we think and what we do and to pay for the huge lobbying effort that has been mounted here against this simple bill that is only asking that we let people know that there may be some risk here and, as it says in the manual, keep the phone away from your head and body. People don't have to do anything. It does not ask for you to get rid of your cell phones. We all recognize their great value. I do, I use one. But this is really about being informed, allowing people to have information that they may use for themselves. There is a long history here on the lack of safety testing of this product. Industry has the responsibility to ensure that their products are safe. That's what our consumer safety protection laws are based on. That's why we see Toyota in front of the congressional panels right now trying to explain itself. That's what we expect. We expect our government to protect us. And the history of this is that the industry did no pre-market safety testing. They got a pass from the FDA that had the responsibility for that. The FDA made a mistake there I would say. All these phones came out to the market and nobody really knew what the dangers might be. They still have not been proven safe.

So today we have a situation where in Maine, out of 1.3 million people, we have at the most recent numbers I can get, we have about 940,000 cell phone customers. We also have about 15,000 live births a year. It is agreed that the children and developing babies are far more susceptible to the effect of

radiation on them. Who among us would not think about this when we see our children, our grandchildren, our friends putting the cell phones right next to their heads for a long time? I am fortunate that I know about these now. I still use them. I'm so glad my children know how to use them safely now and they use speaker phone. I lost my husband to cancer. I would really hate to see anybody unnecessarily contract cancer. I've seen what it's like and, as Representative Strang Burgess says, I've seen how few answers there really are out there. But one simple answer is prevention. So I would ask you to remember that just by encouraging industry and the CDC also to get out more information, people don't go to the websites when they buy a phone. They take the packaging, they throw it in the waste basket and off they go. So we can't expect young people, a lot of people to go to a website. But if there is more information generally available in the public, it catches on. I feel sorry to hear from some people that it's hard for them to support this bill because they heard from some constituents. I can't imagine constituents who wouldn't want more information or wouldn't want information for their children, wouldn't want to know that this baby that's developing in them could be affected by that cell phone right next to their body, or that the child that they're holding in their arms could be affected by the electromagnetic field that is encompassing the parents and the child at the same time, who wouldn't want to protect our children? But again, we are dealing with average people against an enormous multi-trillion dollar industry. I've got an MBA degree, I didn't get that without learning something about business. It's not a social service kind of a thing, it's a business. The object is to make as much money as possible and reduce costs as much as possible. That's their job and that's what we have here. So they're trying very hard to convince people that there's a problem with information.

I want to tell you that I asked President Kennedy of UMO to tell me who might be an objective, good economist to do a study to see how retailers would be affected and two very nice men came forward. They did their research and presented it to the committee. That was when we were talking about warning labels. The report was warning labels were highly unlikely to cause a decrease in sales of cell phones, but they were very likely to increase sales of headsets and other protective materials. So actually, it's a good thing for retailers that might not know about that study, but that's the case.

I also wanted to just mention too that, as you know probably, Maine has got the highest incidence of cancer in the United States. We've got the highest incidence of brain cancer and now the leading cause of death for children to cancer is brain cancer. There has never been a study to look at brain cancer. Why would we not want to at least let people know that there may be some information they need that could help them. So you will get another paper on your desk today and it will describe to you the history of how safety work has not been done in the past, continues really not to be done by the industry or surveyed by the government. I hope you'll look at it so you know what the legal ramifications are on that and be reminded of what our job is as legislators, which is to protect our people and to look after the needs, that are simple needs, that we can take care of.

In closing, I'd like to also read from the CDC website, it's glossary of radiological terms. Non-ionizing radiation is a radiation that comes from cell phones. It's also known as radio waves. Non-ionizing radiation, its definition is radiation that has lower energy levels and longer wavelengths than ionizing radiation. It is not strong enough to affect the structure of atoms it contacts but is strong enough to heat tissue and can cause harmful biological effects. That's from the CDC website. Examples include radio waves, microwaves, visible light and

infrared from a heat lamp. So Ladies and Gentlemen, I would say in fairness to our people, we have an opportunity to speak for them and to say we would like more information, we would like them to know what the story is so they can make their decisions. I would just like to remind you of one couple who came to visit here that many of you met. The Farvers. Their son, Rich, at age 28, was diagnosed with a brain tumor. They spent hundreds of thousands of dollars trying to help him. He was dead in seven months. A big, tall, strong, handsome guy who had always been healthy. His neurosurgeon attributed it to the use of his cell phone and his cell phone bills attested to the fact that he used it regularly, as so many of our young people do. They came to us, that we recognize ways to help people so that the rest of us do not suffer their terrible fate. Please support the Minority Report.

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'd like to make a quick announcement that I am missing my cell phone, so that's also relevant to the conversation, I'm sure. On April 14, 1994, I was still in high school, but on that day I remember watching CSPAN or some such thing where all the CEOs of the tobacco industry stood in front of Congress and went right down the line and said I do not believe that tobacco causes cancer, I do not believe that tobacco is a public health problem. Back in the 1950s and 1960s, there are multiple examples of advertisements where they said "physician recommended" cigarettes. My physician prefers Parliament Lights, my physician prefers Virginia Slims. You name it. Some physician got behind it and took a lot of money along the way. So I concur with the good pink Representative from Cumberland in her analysis of marketing. And, in fact, it's rather appropriate that we talked about marketing and advertising because I had heard about this problem many years ago from my advertising professor who, ironically, was a business professor at the University of Southern Maine. He was an adjunct faculty I should say, not professor, but for me he was my professor. I never had any clue that there was even a hubbub about this and this was way long before there was a real conversation such as the one that Representative Boland has brought to our attention. So I'm going to vote in favor of the Minority Report.

I didn't sit through all the testimony, I agree, because I'm not on the committee. But what I did sit through was an impassioned speech by my professor, whose wife was dying of brain cancer, and it was directly attributed to cell phone use. And he went through some of the evidence that was existing at that time to talk about why he believed this was an important issue. So you know, I don't have all the evidence and I agree that some of the evidence is out and the jury is still out and I understand that, but in honor to my professor and the struggle that his wife went through, I can't in good faith not stand here and say that this is an important issue, and I'm really honored that the Representative from Sanford brought it to our attention.

I urge you to make your own decisions obviously, but most public health issues have come because of one story that one person heard. One person was affected and they stood up and they said you know what; more people need to know this. I can't tell you how many times bodies such as ours have had these discussions and these debates about public health issues, public health issues that we now take for granted. And when CEOs of the tobacco industry—1994 was what, 16 years ago. April 14, 1994 is just a few weeks away, the anniversary of that, and 16 years ago the tobacco industry came before our U.S. House of Representatives, not just the Maine House of Representatives, the U.S. House of Representatives, and said I do not believe that

tobacco is a public health concern. I do not believe that tobacco causes cancer. I would be hard-pressed to find many people in this chamber that disagreed today, whether or not you smoke, that tobacco causes cancer or at the very least is a public health issue. So take that into mind that it was only 16 years ago that tobacco CEOs tried to tell the American public that they were completely safe in smoking their cigarettes and I ask you to think about that when you think about the wireless bill that you have before you today. Thank you, Madam Speaker.

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

Representative **JONES**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I would like to stand in opposition to 1706, a bill to create the children's wireless protection act. As many of you know, I have been a long time advocate of protecting the public's health and have worked in our public health department for 25 years. In my study of public health, what we have been taught is that if the most important thing to do is to pass policies to have the best impact on the public's health. But to do that, you based your decisions on sound, scientific evidence that will allow you to move forward in a constructive way. I was a member of the Health and Human Services Committee, I heard all the evidence. Our state health officer, Dr. Dora Mills, came in with her team. They had researched all of this. I had researched all of this. There is no evidence at this time that there is going to cause a public health hazard by people using cell phones. I strongly take the word of our state health officer. She has led us through many other issues related to this. She knew that people might be concerned about it, so she agreed to put up some information on the website for the Maine CDC, which she has already done. In case you are concerned, these are the actions that you can take.

At this time, there is no evidence in the United States from our National Center for Disease Control or the National Institute of Health that has been peer reviewed that says that there is an issue. Now yes, we can go down the road and say that government has made mistakes in the past, and yes it has, but where does this all end? Do we react to every little scare that comes upon us? For instance, if some researcher in Sweden decides that the raindrops that are falling in Maine have some hazardous material in them, are we without our own scientific evidence going to start mandating the industry, put labels on things, putting up things on websites for people to become concerned about?

Ladies and Gentlemen of the House, I believe that the eyes of the world are looking and that includes Katie Couric, by the way, looking at the Maine State Legislature's decision on this issue today. I would like to tell the world that we are very sophisticated and thoughtful people and we base our decisions on sound science before we put forth a policy that impacts our industry or any of our public health issues. I hope you follow my light in opposition to 1706. Thank you.

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

Representative **PETERSON**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. As a member of the Health and Human Services Committee, I did have the opportunity to listen to all of the perspectives that were provided on this matter. I entered the public hearing and subsequent work session as agnostic. I didn't have an opinion one way or the other, and, like many of you, I use my cell phone, although in a hands free mode, during the hours I spend commuting between Rumford and Augusta. Without my cell phone, there would be not the hours in the day or night to answer constituent questions and requests. I wanted to learn all I could

about this issue, so I came to the hearing in order to become better educated. Here is what I've learned from the welter of information that was presented on both sides of the argument. There are a lot of strongly held opinions but not much science upon which to base a judgment that there is a linkage between cell phone usage and health. There is passion, particularly from a small group of people, some of whom traveled a great distance to make an emotional but not a proven case. On the other side, we had our own Dr. Dora Mills, who is charged by the state to protect the health and wellbeing of our citizens. I believe she takes that charge seriously and has expended appropriate resources to examine the validity of these claims and come up with no compelling reason to support this initiative.

We have a duty to provide information to our citizens to help them make informed choices, but I do not believe we have a duty to intervene on every matter, particularly if there is not overwhelming, compelling, thoughtful and peer reviewed information that documents and quantifies a defined risk. Frankly, I do not think we have that kind of information or even anything that approaches that level of data. If such information was available, I have no doubt that this would be a topic of national concern, potential national regulation, and would be broadly supported by the industry as a means for no other reason than to avoid liability. I do not believe there is liability to be avoided here for there is no compelling factual data that would lead to this conclusion. After listening to the lively debate and discussion, I voted against this measure in the committee and I urge you to follow the Majority Ought Not to Pass Report that came from our careful consideration. Thank you, Madam Speaker.

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

Representative **STUCKEY**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. There's not much that hasn't been said. I want to go back on a couple of items. One, I want to just call your attention to the issue at hand. The Minority Report is called "An Act to Enhance Education Efforts Regarding Cellular Telephones". It's not about whether or not we should be putting labels on the devices or the packages. I need to thank my good friend, the Representative from Cumberland, for the insights she has brought to me about the issues of cancer and how we should be approaching the situation.

I learned yesterday that a resolve is the refuge of scoundrels and I've been trying to figure out all morning long why I'm a scoundrel for standing behind this resolution and I don't feel like the scoundrel in this situation. I listened carefully to the debate and, frankly, I'm more concerned that there was more risk to the children of the State of Maine in the proposals that our committee spent weeks and weeks on in the budget than there are from the use of cell phones. I think there are far more children who are going to die as a result of the misuse of cell phones, distracted driving, than there are that are going to die from brain cancer. What concerns me about this whole debate this morning is that it was brought up earlier that parents should take responsibility for educating their children about the use of the cell phones. What this Minority Report is seeking to do is to provide parents with the information they need to exercise that responsibility.

It's also been brought up that this was an initiative that was based on fear and I don't think that's true either. I think that often times fear comes from ignorance and this bill is about trying to get rid of the ignorance and to provide people with the information that they need about the possibilities that exist. There's been a lot made about there's no peer reviewed science to indicate the connection between cell phones and brain cancer.

But if there were peer reviewed science on the other side, then I don't think that we would be seeing the warnings and the instructions that are in the manual about the possible side effects and how to correctly use the phone. So I think there's no peer reviewed science on either side. That was the whole point of what the Minority Report was about. We chose to try to encourage people to find out as much information as they could and to encourage people, and it actually came at the suggestion, part of the report is that the suggestion of Dr. Mills, who offered in the work session that it would be a reasonable thing for the state CDC to put information and links that would provide consumers with the information they needed to have to make the good decisions about this.

I guess the last thing I want to say is that I want to remind people that a lot of what is today's good science was yesterday's science fiction. With that, I just would ask you to allow us to provide the information that we need to proceed in a measured way and I don't think that's a scoundreling thing to do. Thank you.

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. You've heard a lot of talk this morning. You've heard about cows, you've heard about Toyota, you've heard about tobacco, but we're not here to talk about that, but I guess we were talking about it anyway. I think if this bill was presented to us by someone up here in Maine that was concerned about cell phones, we probably would have listened a little closer. But we had an entourage come up from California and camped out at the Senator Hotel for two weeks, called my house morning, noon and night. They come up here five hours early one day and then my clerk couldn't contact the person who wanted to speak to me because her cell phone wasn't working, I guess. But the bottom line is if this bill was presented to us, and the person that presented the bills spoke to Dr. Mills and talked to some of our own experts here in Maine, we probably would have sat up and listened a little more. But evidently, nobody is listening to Dr. Mills or the good Dr. Sanborn, Representative Sanborn, who is a retired doctor. They are listening to the people of California. So I say to my colleagues in the House here, if this was so important, why didn't the good Representative get and gather the experts in the State of Maine to pass a bill that being worried about the people of Maine and let's do it in Maine, and let the people of California and their entourage stay in California and pass the bill in California, and then invited them to come back. Maybe we should listen to them. Thank you.

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. I would agree with the good Representative from Eliot certainly that the campaign for safer cell phones report that stated passage of the bill in Maine and request the very young age of the cell phone user pictured on the cover of the report was disingenuous at best. And I agree with the good Representative from Newfield that perhaps the presentation was a little more aggressive than desired and could make one suspicious. However, in a conversation with Dr. Gandhi at the University of Utah, which I had an opportunity to spend some time with while conducting my own business, that he encountered a change of support. He used to be contracted with the cell phone industry to do research for them on electromagnetic field radiation and, at one point in time, while his students were doing some research on cell usage and what the effect is anticipated to be of electromagnetic field

radiation on the brain, he did not discourage them from doing that work, and they did produce some type of report. I admit that I'm not terribly familiar with that, but shortly thereafter the cell phone industry apparently decided that they really didn't want to use Dr. Gandhi and his research team any longer. So that creates some suspicion as well.

It would appear that there's some scientific possibility, and we can debate as to how strong that possibility is depending on how you want to evaluate and accept reports that have been generated by the various entities that have developed reports on cell phone usage and electromagnetic field radiation, that a cell phone could be harmful if a cell phone was held too close to the head for extended periods of time. And it seems to me that it's only logical that if that is a possibility, that we would want to engage in some type of educational outreach. So I would suspect that if the educational outreach led by Dr. Dora Mills and the Maine CDC is found to be insufficient, then I would hope that the additional outreach measures and encouragement of the cell phone industry to provide more overt usage warnings should be in order.

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

Representative **SCHATZ**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I rise in support of the current motion and also to express my gratitude for the people who brought this measure forward. I am reminded though when I became a selectman 15 years ago, the elder selectman in the office said, well, you know, my advice to you is to get out there and see which way the parade is moving and then get out in front of it. I felt that was probably the worse advice for leadership I've ever heard. And yet, I've heard in some floor speeches maybe an indication that that's what we should do. We should wait and see where the trends going, where the science is taking us and then let's get out in front of that, and I think that we have enough evidence and we certainly know we have a technology that is growing, its massive use is there now and it's certainly not going to diminish. We have some existing information, whether it's compelling enough to go forward with labels, who knows, and clearly we have the need for additional information and I think this resolve gets us in that direction. So I would hope that we go ahead and pass this resolve. Thank you, Madam Speaker.

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 rise to oppose this measure. At some point, there may be enough evidence to do something with this, but at this point we're crying wolf. The more often we cry wolf as a chamber the less likely we will be heard. I think it's time that we pass those things that we know to be true so we are actually listened to. Otherwise the day will come when we need to be listened to and we will be ignored. 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. Through all this debate, one thing I do know and that is probably Jackson Lab is coming up with a mouse that can talk on a cell phone as we speak. I have a question for whoever can answer it. If these magnetic rays can possibly cause brain cancer, with the amount of text messaging that young people do today, are we supposed to infer that we're going to see skin cancer or cancer of the hands? I wear my cell phone on my hip all of the time. Am I going to have cancer of my hip?

Can anyone give me any information on this? Thank you.

The **SPEAKER**: The Representative from Brewer, Representative Celli has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Sanford, Representative Boland.

Representative **BOLAND**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Texting is a preferred way to use your cell phone because it is away from your head and body mostly, but because the antenna is right there in the children's hands, often children, that there is the effect going into their hands and their bones and the bone marrow. So it's certainly better than having it next to their head. But again, the preferable thing is to use it just with a headset. If you're going to text, well that's certainly better. If it's emitting radiation, it's emitting radiation. Less is better. That's all. Thank you.

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

Representative **STRANG BURGESS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Just a couple of closing points and I hope that we can close this and move on, as I know everybody is fatigued of the conversation. I don't think that what we have said is that not to use cell phones. Cell phones have been a fantastic communication tool for our generation and all sorts of safety things that have been brought up and I don't think that's the message at all. In fact, I would also tell you because I worked with sort of human patterns of human decision-making, it's quite well proven that no one is going to say to not use your cell phone, and even if we did, I don't think Americans are going to particularly change anything. As evidenced with our conversation around obesity, we tell people that you probably shouldn't eat double/triple whoppers, but boy oh boy, I know when you can advertise all the salads you want and the Americans come up to the counter and they still order the double/triple cheeseburger deluxe, and even when we get our calories up there, I think that people are still going to do what they're going to do. Guys, we're talking about people are hanging your hat on science. The science is going to be an ongoing conversation and it's going to get louder and louder and it will take its own process, it's just beginning. But folks, the science is the fact that our American United States Government, the FCC, has already listened to the issues out there and they have already demanded in law that every cellular manufacturer put a warning in their printed book. How on God's green earth do you think it got there? Do you think they're doing it just because they wanted to be nice to you guys? They obviously heard more than we've heard and they've obviously had scientists. For the most part, none of us are bench scientists, certainly, and we have to listen and weigh things. We're not asking for warning labels, we're not asking for people to not use their cell phone. What we are asking for is for one of the many things that are in our society that's part of the education and, also, there's a behavior that we all can learn and do it differently. It's not saying never talk on a phone, but if you have a headset, you should use it. P.S., we've spent a lot of time here talking about the driving aspect of things, so this is nothing that's any great news to any of you and all it's saying is that we have the facts, the FCC already has written it, it's in every book. So that's all this is about. It's not about anything really more than that. The science or the facts have been done by our government and if we in the State of Maine think we're smarter than the FCC, wow, we should go to Washington and take over. Anyway, so thank you all very much for your patience during this conversation.

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 know practically everything has been said and I'll be very brief. I am supporting the Minority Report. I think it's very measured, reasonable and it's a compromise, a single purpose of spreading information. I'm standing really to speak about an issue that, shockingly to me, has not been brought up. I come from a very large family. I'm sure everyone knows that. We have lots of teenagers in our family and for those of you that have not spent a great deal of time around teenagers these days, you need to all recognize one thing. The cell phone is an enormous and I mean an enormous part of their life. I find it enormously disruptive that they have it so much. My favorite niece, I shouldn't say that but I did already, she received her cell phone when she was 10. Now coming from a large family, you learn very quickly that you get to mother your own four children and you don't get to mother anyone else's. So whether you agree with it or not, you just have to stand by and watch. But my nieces and nephews have those cell phones at their ears all the time. They are talking to people, chatting with their friends, on the phone, almost all the time when they're not in school. As soon as they get out of school, right before dinner, right after dinner. I mean, we've had a rule that if your cell phone rings during dinner you have to do the dishes. So I mean that's how much of a part of our lives it's become. So I cannot sit here in my seat in good conscience if any of the information is true. If enough of the information is true that there is a warning in tiny print inside manuals that parents are not reading, parents are not paying attention to, I feel an obligation to support this small piece of legislation, which all it does is create notice in education for the citizens of Maine. So for any of you who know teenagers out there and I'm sure many of you do, they are using their cell phones nonstop. In 10 or 15 years from now, I do not want to think to myself, I could have done a little something that might have made this better. Thank you.

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

Representative **SYKES**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Listen intently, discovered that the Federal Government requires warnings in the instruction manual. A lot of talk about self responsibility here. I'm reminded of a situation when I was a young boy. My dad, who was not a very patient person, bought a brand new lawnmower. The first gasoline powered lawnmower. Brought it home, took it out of the box, put some gasoline in it and started it up. It ran about five minutes and it stopped. He tried desperately to get that started again. It wouldn't start. He finally went back and took the instruction manual, opened it up and it's one of those pictures in my mind because the very first page was almost entirely blank, it had one small phrase on it and that phrase said "when all else fails, follow directions". Madam Speaker, if a roll call has not been requested, I request one.

The **SPEAKER**: A roll call is already in order. The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I don't mean to belabor this. But I think as Representative Eaton had said, this is sort of like a David versus Goliath situation. And I do congratulate my fellow member from Sanford, Representative Boland, on bringing this not only to Maine but I think the nation. She's done a wonderful job. I mean, it's something that I think that, to all of us, the effort that she has placed into this really does great credit to her. Now as many of you, I've been an EMT

since 1976. That's why I always try to err on the side of safety. I tell a story that my senior year of high school I was very good in physics and I always noticed that there were three doctors in back of me cheating off my tests. I don't know if that has any significance to this, but it's just a story that I tell. I had an interesting communication with Senator Brannigan, former Representative Brannigan, before the public hearing and, even after, he said, you know, John, this sounds very much like the tobacco debates that we had 30 years ago. Then we said, how about asbestos? I mean we have a member of this body that's going through a difficult situation primarily because of the asbestos that they said was okay to use when you were a worker in a shipyard or a painter. I mean I've talked to former policemen who some of them are no longer here today, that use radar detectors and have developed cancer, and I know a couple of them that, before they died, they said, John, there's no figures, there's no facts but I can tell you that by using that device, it did affect my life.

As Representative Beaudette said and Representative Strang Burgess is that the science that is funded is primarily done by the cell phone industry and if you give them the wrong information, they'll fire you. I mean I heard the same thing with tobacco, I've heard the same thing with asbestos. I guess in conclusion I say what harm does the Minority Report do? As Representative Trinward said, the Minority Report does not require warning labels on cellular telephones but instead directs the Health and Human Services Committee to encourage the wireless telecommunications industry and cellular telephone manufacturers to conduct an informational campaign. I think it is a very moderate and a sensible approach to a serious issue and would ask for your support.

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

ROLL CALL NO. 311

YEA - Adams, Beaudoin, Beck, Berry, Blanchard, Boland, Bolduc, Briggs, Bryant, Cain, Cornell du Houx, Cotta, Dill, Dostie, Duchesne, Eaton, Eves, Flemings, Gilbert, Giles, Goode, Hayes, Hill, Hinck, Hogan, Kaenrath, Kent, Knight, Lajoie, Legg, Magnan, Martin JR, Martin JL, McCabe, McKane, Morrison, Pendleton, Peoples, Percy, Perry, Pilon, Pinkham, Piotti, Priest, Rankin, Rotundo, Russell, Schatz, Sirois, Stevens, Strang Burgess, Stuckey, Theriault, Treat, Trinward, Tuttle, Valentino, Watson, Webster, Welsh, Wright, Madam Speaker.

NAY - Austin, Ayotte, Beaudette, Beaulieu, Bickford, Blodgett, Browne W, Burns, Campbell, Carey, Casavant, Cebra, Celli, Chase, Clark H, Clark T, Cleary, Cohen, Connor, Crafts, Cray, Crockett J, Crockett P, Curtis, Cushing, Davis, Driscoll, Eberle, Edgecomb, Finch, Fitts, Flaherty, Fletcher, Flood, Fossel, Gifford, Hamper, Hanley, Harlow, Harvell, Haskell, Hunt, Johnson, Jones, Joy, Knapp, Kruger, Langley, Lewin, Lovejoy, MacDonald, Mazurek, McFadden, McLeod, Miller, Millett, Nass, Nelson, Nutting, O'Brien, Peterson, Pieh, Plummer, Prescott, Richardson D, Richardson W, Robinson, Sanborn, Sarty, Saviello, Shaw, Smith, Sutherland, Sykes, Tardy, Thibodeau, Thomas, Tilton, Van Wie, Wagner J, Wagner R, Weaver, Willette.

ABSENT - Butterfield, Greeley, Innes Walsh, Pratt, Rosen, Wheeler.

Yes, 62; No, 83; Absent, 6; Excused, 0.

62 having voted in the affirmative and 83 voted in the negative, with 6 being absent, and accordingly the Minority **Ought to Pass as Amended** Report was **NOT ACCEPTED**.

Subsequently, on motion of Representative PERRY of Calais, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-769)** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Align the Duties of School Boards Concerning Student Safety with the Requirements of the Federal Gun-Free Schools Act and To Prohibit the Discharge of Firearms within 500 Feet of Public and Private School Properties"

(H.P. 1206) (L.D. 1705)

TABLED - March 24, 2010 (Till Later Today) by Representative PIOTTI of Unity.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-769)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-769)** and sent for concurrence.

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act Regarding the Commissioner of Education's Rule-making Authority"

(H.P. 1272) (L.D. 1784)

Signed:

Senators:

ALFOND of Cumberland
WESTON of Waldo

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-777)** on same Bill.

Signed:

Senator:

SCHNEIDER of Penobscot

Representative:

McFADDEN of Dennysville

READ.

Representative SUTHERLAND of Chapman moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Exempt Certain Necessary School Auxiliary Buildings for New Heating Systems from Referendum Requirements" (EMERGENCY)

(H.P. 1300) (L.D. 1820)

Signed:

Senators:

ALFOND of Cumberland
SCHNEIDER of Penobscot
WESTON of Waldo

Representatives:

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

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

Signed:

Representatives:

CASAVANT of Biddeford
McFADDEN of Dennysville

READ.

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

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act To Stimulate the Maine Economy and Promote the Development of Maine's Priority Transportation Infrastructure Needs"

(H.P. 1167) (L.D. 1639)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-699) in the House on March 17, 2010.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-699) AS AMENDED BY SENATE AMENDMENT "A" (S-441)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Clarify Exemptions in the Milk Handling Fee" (EMERGENCY)

(H.P. 1276) (L.D. 1788)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-737) in the House on March 18, 2010.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-737) AS**

AMENDED BY SENATE AMENDMENT "A" (S-458) thereto in **NON-CONCURRENCE**.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-455)** on Bill "An Act To Promote the Establishment of Innovative Schools" (EMERGENCY)

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

Signed:

Senators:

ALFOND of Cumberland
SCHNEIDER of Penobscot

Representatives:

SUTHERLAND of Chapman
FINCH of Fairfield
WAGNER of Lewiston
LOVEJOY of Portland
NELSON of Falmouth
RANKIN of Hiram
McFADDEN of Dennysville

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-456)** on same Bill.

Signed:

Senator:

WESTON of Waldo

Representatives:

JOHNSON of Greenville
RICHARDSON of Carmel
CASAVANT of Biddeford

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-455)**.

READ.

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

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

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act To Allow the Electronic Registration of Big Game Animals" (EMERGENCY)

(S.P. 656) (L.D. 1723)

Signed:

Senator:

TRAHAN of Lincoln

Representatives:

CLARK of Millinocket
CRAFTS of Lisbon
SAVIELLO of Wilton
SARTY of Denmark

McLEOD of Lee
SHAW of Standish
BRIGGS of Mexico
EBERLE of South Portland
DAVIS of Sangerville

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-421)** on same Bill.

Signed:
Senator:
BRYANT of Oxford

Representative:
WHEELER of Kittery

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-421)**.

READ.

On motion of Representative CLARK of Millinocket, the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

Ten Members of the Committee on **INSURANCE AND FINANCIAL SERVICES** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-417)** on Bill "An Act To Allow a Maine-chartered Financial Institution To Conduct a Savings Promotion Raffle"

(S.P. 645) (L.D. 1673)

Signed:
Senators:
BOWMAN of York
ALFOND of Cumberland

Representatives:
TREAT of Hallowell
PRIEST of Brunswick
LEGG of Kennebunk
MORRISON of South Portland
GOODE of Bangor
BECK of Waterville
WEAVER of York
FOSSEL of Alna

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

Signed:
Representatives:
BEAUDOIN of Biddeford
RICHARDSON of Warren

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (S-418)** on same Bill.

Signed:
Senator:
McCORMICK of Kennebec

Came from the Senate with Report "C" **OUGHT TO PASS AS AMENDED** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-418)**.

READ.

On motion of Representative TREAT of Hallowell, **TABLED** pending **ACCEPTANCE** of any Report and later today assigned.

CONSENT CALENDAR

First Day

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

(S.P. 675) (L.D. 1761) Bill "An Act To Authorize a General Fund Bond Issue To Create a New Electronic Medical Records Infrastructure" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-445)**

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

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

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

SENATE PAPERS

Non-Concurrent Matter

Resolve, To Implement the Recommendations of the Juvenile Justice Task Force (EMERGENCY)

(H.P. 1204) (L.D. 1703)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-708) AS AMENDED BY HOUSE AMENDMENT "A" (H-773) thereto in the House on March 24, 2010.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Resolve was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-708)** in **NON-CONCURRENCE**.

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

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

Representative **CELLI**: Madam Speaker, I wish to go on record as having voted yea on Item 10-3. Thank you.

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

Representative **BURNS**: Madam Speaker, had I been paying attention like I should have when the vote on LD 1607 was taken, I would have voted yea.

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

On motion of Representative HUNT of Buxton, the House adjourned at 12:17 p.m., until 9:00 a.m., Friday, March 26, 2010 in honor and lasting tribute to Wesley Bennett, Jr., of Durham, the Honorable Merton C. Waterman, of Buxton, Elbert H. Lambert, of Strong and Joseph Eugene Boivin, of Rumford.