

MAINE STATE LEGISLATURE

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

Volume I

First Regular Session

December 1, 2004 - March 30, 2005

First Special Session

April 4, 2005 – May 25, 2005

Pages 1-736

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
FIRST SPECIAL SESSION
12th Legislative Day
Monday, May 9, 2005

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

Prayer by Reverend Arlene M. Tully, Randolph and East Pittston United Methodist Churches.

National Anthem by Beth Stamboules, Lewiston.

Pledge of Allegiance.

Doctor of the day, William Atlee, M.D., Augusta.

The Journal of Thursday, May 5, 2005 was read and approved.

SENATE PAPERS

The following Joint Resolution: (S.P. 599)

**JOINT RESOLUTION RECOGNIZING MAY AS
"MAINE IS WORKING" MONTH**

WHEREAS, We, the Members of the One Hundred and Twenty-second Legislature, now assembled in the First Special Session, are committed to helping lead Maine's economy to a new and better place, where job security and economic prosperity are realized by all citizens of the State, from Kittery to Fort Kent; and

WHEREAS, to do that, we must embrace and harness the entrepreneurial spirit that drives Maine businesses, since not all the ways of the past will direct our success in the future; and

WHEREAS, Maine's economy is rushing headlong into a new century of industry, where the ways of our parents and grandparents are being replaced due to new technology, globalization and a host of other factors; and

WHEREAS, the true strength of Maine is its entrepreneurial spirit, where more than 75% of the new jobs created in this State in the last 10 years have been in businesses with fewer than 100 employees; and

WHEREAS, selling our successes is nearly as important as crafting and implementing smart policy, and all of Maine's leaders have to accept and embrace the idea of championing these successes so our failures do not define us; and

WHEREAS, Maine is on the right track as we encourage our small businesses and accentuate the good, tackle the bad and work tirelessly to create a positive environment for entrepreneurship; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-second Legislature, now assembled in the First Special Session, on behalf of the people we represent, take this opportunity to recognize the month of May as "Maine Is Working" month, when we celebrate the entrepreneurial spirit in Maine and encourage Maine people to develop their entrepreneurial ideas, and encourage our State Government to try to provide assistance at critical junctures so that the next generation can enjoy the fruits of our efforts.

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

READ.

On motion of Representative CUMMINGS of Portland, the Joint Resolution was **TABLED** pending **ADOPTION** and later today assigned.

Resolve, To Require the Department of Professional and Financial Regulation To Suspend Recently Enacted Rules Pertaining to the Office of Licensing and Registration, Board of Boilers and Pressure Vessels (EMERGENCY)

(S.P. 611) (L.D. 1653)

Came from the Senate, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

REFERRED to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

Bill "An Act To Establish the Maine Graduate Retention Loan Program"

(S.P. 614) (L.D. 1655)

Bill "An Act To Streamline Higher Education in Maine"

(S.P. 615) (L.D. 1661)

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

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

Bill "An Act To Prevent the Loss of Jobs through Outsourcing"

(S.P. 613) (L.D. 1654)

Came from the Senate, **REFERRED** to the Committee on **LABOR** and ordered printed.

REFERRED to the Committee on **LABOR** in concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 200)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON BUSINESS RESEARCH AND ECONOMIC
DEVELOPMENT**

May 2, 2005

Honorable Beth Edmonds, President of the Senate

Honorable John Richardson, Speaker of the House

122nd Maine Legislature

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Business, Research and Economic Development has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1403 An Act To Create an Alternative Method of Dispute Resolution in Homeowner Claims of Defective Workmanship or Materials for Manufactured Housing

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Lynn Bromley

Senate Chair

S/Rep. Nancy E. Smith

House Chair

READ and **ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 201)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON LABOR**

May 2, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Labor has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 573 An Act To Generate Savings in the Unemployment Compensation Fund

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Ethan Strimling

Senate Chair

S/Rep. William J. Smith

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 203)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON MARINE RESOURCES**

May 2, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Marine Resources has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 167 An Act To Provide Flexibility for Sea Urchin Zones

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Dennis S. Damon

Senate Chair

S/Rep. Leila J. Percy

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 202)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

May 3, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Legal and Veterans Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 291 An Act To Extend Term Limits

L.D. 914 An Act To Prohibit Campaign Expenditures except during an Established Campaign Season

L.D. 945 An Act To Allow the Counting of Absentee Ballots prior to Election Day

L.D. 1087 An Act To Protect the Citizen Initiative Signature Collection Process at Polling Places

L.D. 1111 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide 4-year Terms for Senators and Representatives and To Increase Term Limits to 12 Years

L.D. 1169 An Act To Permit Video Gaming for Money Conducted by Nonprofit Organizations

L.D. 1174 An Act To Strengthen Enforcement of the Political Signs Law

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Kenneth T. Gagnon

Senate Chair

S/Rep. John L. Patrick

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 204)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON TRANSPORTATION**

April 28, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1429 An Act To Amend the Laws Governing the Size, Placement and Use of Certain On-premises Signs

L.D. 1544 An Act To Exempt Vehicles Hauling Equipment Used for Timber Harvesting from Certain Restrictions Posted on Roads

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Dennis S. Damon

Senate Chair

S/Rep. Boyd P. Marley

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 205)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON TRANSPORTATION**

May 2, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 138 Resolve, To Provide Efficient Highway Access to Central Maine Medical Services
- L.D. 915 An Act To Amend the Motor Vehicle Habitual Offender Law
- L.D. 1124 An Act To Allow the Secretary of State To Review License Suspensions
- L.D. 1453 Resolve, To Improve Public Safety, Enhance Local Communities and Reduce Transportation Expenses

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Dennis S. Damon
Senate Chair
S/Rep. Boyd P. Marley
House Chair

READ and ORDERED PLACED ON FILE.

Honorable John Richardson
Speaker of the House
2 State House Station
Augusta, ME 04333

Dear Speaker Richardson,

Please be advised the Senate today Adhered to its previous action whereby it accepted the Minority Ought Not To Pass Report from the Committee on State and Local Government on Bill "An Act To Improve Public Understanding in Rulemaking"(HP 417 LD 562) .

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 Amend the Law Governing the Department of Transportation's Contracting Authority"

(H.P. 1173) (L.D. 1662)

Sponsored by Representative MARLEY of Portland.

Cosponsored by Senator DAMON of Hancock and Representative: McKENNEY of Cumberland.

Submitted by the Department of Transportation pursuant to Joint Rule 204.

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

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

Sent for concurrence.

Pursuant to Statute

Public Utilities Commission

Representative BLISS for the **Public Utilities Commission** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 11: PBX/Multiline Telephone System (MLTS) Requirements, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY)

(H.P. 1174) (L.D. 1665)

Be **REFERRED** to the Committee on **UTILITIES AND ENERGY** and printed pursuant to Joint Rule 218.

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

Sent for concurrence.

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Joint Order

Report of the **Joint Standing Committee on Health and Human Services** on Bill "An Act Regarding the Unused Pharmaceutical Disposal Program" (EMERGENCY)

(S.P. 609) (L.D. 1644)

Reporting **Ought to Pass** pursuant to Joint Order 2005, S.P. 576.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

The Bill was **READ ONCE** and was assigned for **SECOND READING** Tuesday, May 10, 2005.

The Following Communication: (S.C. 244)

**MAINE SENATE
122ND LEGISLATURE
OFFICE OF THE SECRETARY**

May 5, 2005

Honorable John Richardson
Speaker of the House
2 State House Station
Augusta, ME 04333-0002

Dear Speaker Richardson:

In accordance with Joint Rule 506 of the 122nd Maine Legislature, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Committee on Business, Research and Economic Development, the nomination of Cathy C. McKelway of Oakland for reappointment to the Maine Rural Development Authority.

Upon the recommendation of the Committee on Business, Research and Economic Development, the nomination of Edmund Therrien, Jr. of Presque Isle for appointment to the Loring Development Authority of Maine.

Sincerely,

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 253)

**MAINE SENATE
122ND LEGISLATURE
OFFICE OF THE SECRETARY**

May 5, 2005

Change of Committee

Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Regulate Fire Alarm Contractors"

(S.P. 524) (L.D. 1508)

Reporting that it be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in concurrence.

Ought to Pass as Amended

Report of the Committee on **MARINE RESOURCES** on Bill "An Act To Continue the Ban on Dragging in the Taunton River Area" (EMERGENCY)

(S.P. 185) (L.D. 576)

Reporting **Ought to Pass as Amended by Committee Amendment "A" (S-94)**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-94) AS AMENDED BY SENATE AMENDMENT "A" (S-109)** thereto.

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE**. **COMMITTEE AMENDMENT "A" (S-94)** **READ** by the Clerk. **SENATE AMENDMENT "A" (S-109) TO COMMITTEE AMENDMENT "A" (S-94)** **READ** by the Clerk and **ADOPTED**. **COMMITTEE AMENDMENT "A" (S-94) AS AMENDED BY SENATE AMENDMENT "A" (S-109)** thereto **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 10, 2005.

Divided Report

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act To Amend the Laws Concerning Eminent Domain"

(S.P. 417) (L.D. 1203)

Signed:

Senators:

DAMON of Hancock
SAVAGE of Knox

Representatives:

FISHER of Brewer
McKENNEY of Cumberland
HOGAN of Old Orchard Beach
BROWNE of Vassalboro
MAZUREK of Rockland
PARADIS of Frenchville
SAMPSON of Auburn

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-120)** on same Bill.

Signed:

Representatives:

COLLINS of Wells
THOMAS of Ripley

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **JUDICIARY**.

READ.

On motion of Representative MARLEY of Portland, the Bill and all accompanying papers were **COMMITTED** to the Committee on **JUDICIARY**.

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Bill "An Act To Require Veterinarians To Provide Vaccine Disclosure Forms"

(H.P. 314) (L.D. 429)

Signed:

Senators:

NUTTING of Androscoggin
RAYE of Washington

Representatives:

PIOTTI of Unity
CARR of Lincoln
JODREY of Bethel
JENNINGS of Leeds
MAREAN of Hollis
LUNDEEN of Mars Hill
FLOOD of Winthrop
SHERMAN of Hodgdon
PINEAU of Jay

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-254)** on same Bill.

Signed:

Representative:

TWOMEY of Biddeford

READ.

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

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

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Resolve, To Establish a North Woods Park Feasibility Study

(H.P. 742) (L.D. 1089)

Signed:

Senators:

NUTTING of Androscoggin
RAYE of Washington

Representatives:

PIOTTI of Unity
CARR of Lincoln
JODREY of Bethel
JENNINGS of Leeds
MAREAN of Hollis
LUNDEEN of Mars Hill
FLOOD of Winthrop
SHERMAN of Hodgdon
PINEAU of Jay

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-255)** on same Resolve.

Signed:
Representative:
TWOMEY of Biddeford

READ.

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

Majority Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-257)** on Bill "An Act To License Home Building and Improvement Contractors"

(H.P. 903) (L.D. 1306)

Signed:
Senators:
BROMLEY of Cumberland
DOW of Lincoln
HOBBINS of York

Representatives:
SMITH of Monmouth
O'BRIEN of Lewiston
ROBINSON of Raymond
RECTOR of Thomaston
FARRINGTON of Gorham
BEAUDETTE of Biddeford

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

Signed:
Representatives:
AUSTIN of Gray
BERUBE of Lisbon
JACOBSEN of Waterboro
CROSBY of Topsham

READ.

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

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

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act To Promote Safe Routes to School"

(H.P. 592) (L.D. 833)

Signed:
Senators:
DAMON of Hancock
SAVAGE of Knox

Representatives:
SAMPSON of Auburn
HOGAN of Old Orchard Beach
MAZUREK of Rockland
BROWNE of Vassalboro
THOMAS of Ripley

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-250)** on same Bill.

Signed:
Representatives:
MARLEY of Portland

PARADIS of Frenchville

READ.

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

CONSENT CALENDAR

First Day

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

(S.P. 118) (L.D. 371) Bill "An Act To Distribute Revenue in the Law Enforcement Agency Reimbursement Fund to Municipalities and Counties" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-110)**

(S.P. 257) (L.D. 790) Bill "An Act To Reestablish a Maximum Water Level for Phillips Lake" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-117)**

(S.P. 398) (L.D. 1170) Bill "An Act To Exempt Fire Departments from Biweekly Pay Requirements for Volunteer Firefighters" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-113)**

(S.P. 458) (L.D. 1331) Bill "An Act To Set a Deadline for Responses to State Employees Seeking Job Reclassifications or Range Changes" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-118)**

(H.P. 83) (L.D. 107) Bill "An Act Guaranteeing Freedom of Choice Regarding the Disposition of One's Own Organs" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 667) (L.D. 957) Bill "An Act To Limit Faxes from Telemarketers" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(H.P. 715) (L.D. 1030) Bill "An Act To Strengthen Certain Student Support Services within the Maine Community College System" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

(H.P. 843) (L.D. 1225) Bill "An Act To Amend and Update Laws Regulating the Practice of Nursing" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(H.P. 968) (L.D. 1391) Resolve, Regarding Legislative Review of Chapter 15: Batterer Intervention Program Certification, a Major Substantive Rule of the Department of Corrections (EMERGENCY) Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass**

(H.P. 1098) (L.D. 1560) Bill "An Act To Transfer the Pest Control Compact from the Department of Conservation to the Department of Agriculture, Food and Rural Resources" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass**

(H.P. 490) (L.D. 670) Bill "An Act To Protect Children Using Maine's Athletic Fields and Parks from Drug Dealers" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-258)**

(H.P. 593) (L.D. 834) Bill "An Act To Prevent Camcorder Piracy" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-259)**

(H.P. 714) (L.D. 1029) Bill "An Act To Allow Municipalities To Acquire Title to Abandoned Cemeteries" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-265)**

(H.P. 775) (L.D. 1122) Resolve, To Establish the Wabanaki Trail Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-262)**

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

(S.P. 439) (L.D. 1259) Bill "An Act To Sustain Maine Schools and Libraries" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-116)**

On motion of Representative CLOUGH of Scarborough, was **REMOVED** from the First Day Consent Calendar.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the **Unanimous Ought to Pass as Amended Report**.

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

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

ROLL CALL NO. 100

YEA - Annis, Ash, Babbidge, Barstow, Beaudette, Blanchard, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Campbell, Canavan, Carr, Clark, Crosby, Cummings, Curtis, Davis G, Davis K, Driscoll, Duchesne, Dudley, Duplessie, Eberle, Emery, Faircloth, Farrington, Finch, Fisher, Fitts, Fletcher, Gerzofsky, Goldman, Greeley, Grose, Harlow, Hutton, Jacobsen, Koffman, Lerman, Lundeen, Makas, Marley, Marraché, Mazurek, McCormick, McLeod, Merrill, Miller, Mills, Moody, Moore G, Moulton, Norton, Ott, Paradis, Patrick, Pelletier-Simpson, Percy, Pilon, Pineau, Pingree, Piotti, Plummer, Richardson D, Richardson E, Richardson M, Rines, Rosen, Sampson, Saviello, Schatz, Smith N, Smith W, Tardy, Thompson, Valentino, Walcott, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Austin, Berube, Bishop, Bowen, Bowles, Brown R, Browne W, Cebra, Churchill, Clough, Collins, Cressey, Crosthwaite, Curley, Daigle, Duprey, Edgecomb, Flood, Hamper, Hanley B, Hogan, Jodrey, Joy, Lansley, Lewin, Lindell, Marean, McFadden, McKane, McKenney, Millett, Nass, Nutting, Pinkham, Rector, Richardson W, Robinson, Seavey, Sherman, Shields, Stedman, Sykes, Thomas, Trahan, Vaughan.

ABSENT - Adams, Bierman, Blanchette, Bryant-Deschenes, Craven, Dugay, Dunn, Eder, Fischer, Glynn, Hall, Hanley S, Hotham, Jackson, Jennings, Kaelin, Muse, O'Brien, Perry, Tuttle, Twomey, Watson.

Yes, 84; No, 45; Absent, 22; Excused, 0.

84 having voted in the affirmative and 45 voted in the negative, with 22 being absent, and accordingly the **Unanimous Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-116)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 10, 2005.

(S.P. 508) (L.D. 1482) Bill "An Act To Provide for the 2005 and 2006 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY) Committee on **BUSINESS, RESEARCH**

AND ECONOMIC DEVELOPMENT reporting **Ought to Pass as Amended by Committee Amendment "A" (S-115)**

On motion of Representative SMITH of Monmouth, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (S-115)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-115)** in concurrence. **ORDERED SENT FORTHWITH**.

(H.P. 955) (L.D. 1369) Resolve, Directing the Department of Administrative and Financial Services, Bureau of the Budget To Review Unfunded Mandates (EMERGENCY) Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-260)**

On motion of Representative BRANNIGAN of Portland, was **REMOVED** from the First Day Consent Calendar.

On further motion of the same Representative, **TABLED** pending **ACCEPTANCE** of the **Unanimous Ought to Pass as Amended Committee Report** and later today assigned.

CONSENT CALENDAR

Second Day

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

(S.P. 517) (L.D. 1499) Bill "An Act To Amend the Laws Related to Health Insurance and Confidentiality of Property and Casualty Filings"

(S.P. 129) (L.D. 405) Resolve, To Establish a Long-term Care Education Pilot Program for Registered Nurses (C. "A" S-100)

(S.P. 167) (L.D. 541) Bill "An Act To Amend the Laws Related to Cancellation and Nonrenewal of Insurance" (C. "A" S-105)

(S.P. 183) (L.D. 574) Bill "An Act To Amend Provisions of the Submerged Lands Laws" (C. "A" S-96)

(S.P. 187) (L.D. 578) Bill "An Act To Amend the Charter of the Portland Public Library" (C. "A" S-104)

(S.P. 335) (L.D. 995) Bill "An Act To Conform Maine Employment Security Law with the Federal SUTA Dumping Prevention Act of 2004" (C. "A" S-97)

(H.P. 111) (L.D. 133) Resolve, To Support Long-term Forest Management and Sound Silviculture (C. "A" H-253)

(H.P. 407) (L.D. 552) Bill "An Act To Allow Dental Hygienists To Prescribe Fluoride and Chlorhexidine" (C. "A" H-256)

(H.P. 521) (L.D. 726) Bill "An Act To Require Legislative Review of Any Rules Governing Private Schools" (C. "A" H-246)

(H.P. 590) (L.D. 831) Bill "An Act To Clarify the Law Relating to Motor Vehicle Repair Posters" (C. "A" H-249)

(H.P. 701) (L.D. 1017) Bill "An Act To Fight Sprawl and Ensure That Public Lands Are Equitably Distributed" (C. "A" H-252)

(H.P. 766) (L.D. 1113) Bill "An Act To Create the Fryeburg Water District" (C. "A" H-251)

(H.P. 791) (L.D. 1148) Bill "An Act To Recognize the Recipients of the Korea Defense Service Medal" (C. "A" H-248)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED AS AMENDED** in concurrence and the House Papers were **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

(S.P. 95) (L.D. 275) Bill "An Act To Promote Energy Conservation and a Cleaner Environment" (C. "A" S-101)

On motion of Representative CRESSEY of Cornish, was **REMOVED** from the Second Day Consent Calendar.

The Committee Report was **READ.**

The same Representative **REQUESTED** a roll call on **ACCEPTANCE** of the **Unanimous Ought to Pass as Amended Report.**

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

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

ROLL CALL NO. 101

YEA - Adams, Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Berube, Bishop, Bliss, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carr, Cebra, Churchill, Clark, Clough, Collins, Cressey, Crosby, Crosthwaite, Cummings, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dudley, Duplessie, Duprey, Eberle, Edgcomb, Emery, Faircloth, Farrington, Finch, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Goldman, Greeley, Grose, Hamper, Hanley B, Harlow, Hogan, Hutton, Jacobsen, Jodrey, Joy, Koffman, Lansley, Lerman, Lewin, Lindell, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Miller, Millett, Mills, Moody, Moore G, Moulton, Nass, Norton, Nutting, Ott, Paradis, Patrick, Pelletier-Simpson, Percy, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Robinson, Rosen, Sampson, Saviello, Schatz, Seavey, Sherman, Shields, Smith N, Smith W, Stedman, Sykes, Tardy, Thomas, Thompson, Trahan, Twomey, Valentino, Vaughan, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - NONE.

ABSENT - Bierman, Blanchard, Blanchette, Bryant-Deschenes, Craven, Dugay, Dunn, Eder, Fischer, Glynn, Hall, Hanley S, Hotham, Jackson, Jennings, Kaelin, Muse, O'Brien, Perry, Tuttle.

Yes, 131; No, 0; Absent, 20; Excused, 0.

131 having voted in the affirmative and 0 voted in the negative, with 20 being absent, and accordingly the **Unanimous Ought to Pass as Amended Report** was **ACCEPTED.**

The Bill was **READ ONCE.** **Committee Amendment "A" (S-101)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Tuesday, May 10, 2005.

BILLS IN THE SECOND READING

Senate

Bill "An Act To Provide Funds for the Preservation of Digital Records"

(S.P. 360) (L.D. 1043)

Senate as Amended

Bill "An Act To Amend the Laws Governing the Community Preservation Advisory Committee"

(S.P. 184) (L.D. 575)

(C. "A" S-102)

Bill "An Act To Require a Surcharge on Probate Documents"

(S.P. 472) (L.D. 1374)

(C. "A" S-103)

House as Amended

RESOLUTION, To Amend the Constitution of Maine To Change the Number of Senators to 2 from Each County

(H.P. 325) (L.D. 440)

(C. "A" H-151)

Bill "An Act To Require the Use of Reflective Material on Ice Fishing Shacks"

(H.P. 575) (L.D. 810)

(C. "A" H-231)

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

ENACTORS

Emergency Measure

An Act To Amend Provisions of the Maine Land Use Regulation Commission Law

(H.P. 93) (L.D. 117)

(C. "A" H-156)

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 2 against, and accordingly the Bill was **PASSED TO BE ENACTED,** signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

An Act To Amend the Law Regarding Fishing Derbies

(H.P. 420) (L.D. 565)

(C. "A" H-137)

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

An Act To Efficiently Use Funds of the Public Utilities Commission

(H.P. 611) (L.D. 860)

(C. "A" H-141)

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

An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2005-06

(H.P. 947) (L.D. 1364)
(C. "A" H-172)

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

An Act To Allow the Maine Land Use Regulation Commission To Assess a Processing Fee for Certain Projects

(H.P. 1126) (L.D. 1590)

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. 102 voted in favor of the same and 30 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

Resolve, To Ensure the Collection and Report of Outsourcing Data

(H.P. 346) (L.D. 471)
(C. "A" H-133)

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

Representative BARSTOW of Gorham **REQUESTED** a roll call on **FINAL PASSAGE.**

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

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

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

ROLL CALL NO. 102

YEA - Adams, Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Berube, Blanchard, Bliss, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant, Bryant-Deschenes, Burns, Cain, Campbell, Canavan, Carr, Churchill, Clark, Collins, Cressey, Crosby, Crosthwaite, Cummings, Curley, Curtis, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dunn, Duprey, Eberle, Eder, Edgecomb, Emery, Faircloth, Farrington, Finch, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Glynn, Goldman, Greeley, Grose, Hanley B, Hogan, Hutton, Jacobsen, Jodrey, Joy, Koffman, Lansley, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McFadden, McKane, McKenney, McLeod, Miller, Millett, Moody, Moore G, Moulton, Nass, Norton, Nutting, Ott, Paradis, Patrick, Pelletier-Simpson, Percy, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Rector, Richardson E, Richardson W, Rines, Rosen, Sampson, Saviello, Schatz, Seavey, Sherman, Shields, Smith N, Smith W, Stedman, Sykes, Tardy, Thompson, Twomey, Valentino, Vaughan, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Cebra, Clough, Daigle, Lindell, Richardson M.

ABSENT - Bierman, Bishop, Blanchette, Bowen, Craven, Dugay, Duplessie, Fischer, Hall, Hamper, Hanley S, Harlow, Hotham, Jackson, Jennings, Kaelin, Lerman, Lewin, McCormick,

Merrill, Mills, Muse, O'Brien, Perry, Richardson D, Robinson, Thomas, Trahan, Tuttle.

Yes, 117; No, 5; Absent, 29; Excused, 0.

117 having voted in the affirmative and 5 voted in the negative, with 29 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

Acts

An Act To Allow the Use of Crossbows for Hunting

(H.P. 63) (L.D. 67)
(C. "A" H-152)

An Act To Enact an Immediate Review System in the Office of Program Evaluation and Government Accountability

(H.P. 184) (L.D. 245)
(C. "A" H-135)

An Act To Provide Funding for Dues for the International Northeast Biotechnology Corridor

(H.P. 187) (L.D. 248)

An Act To Allow Counties To Recover the Cost of Cleaning Up Hazardous Spills

(S.P. 91) (L.D. 271)
(C. "A" S-87)

An Act To Protect Consumers and To Modernize Heating Oil Rules and Reporting Requirements

(H.P. 214) (L.D. 289)
(C. "A" H-139)

An Act To Prohibit Steering in Automobile Insurance

(H.P. 235) (L.D. 311)
(C. "A" H-136)

An Act Concerning Recognition of Qualified Political Parties

(H.P. 252) (L.D. 329)
(C. "A" H-161)

An Act To Amend Group Insurance Funding Requirements

(S.P. 108) (L.D. 346)
(C. "A" S-83)

An Act To Amend the Mexico Water District Charter

(H.P. 268) (L.D. 355)
(C. "A" H-140)

An Act To Amend the Laws Regarding Submission of Health Insurance Claims

(S.P. 140) (L.D. 416)
(C. "A" S-85)

An Act To Amend the Mexico Sewer District Charter

(H.P. 337) (L.D. 459)
(C. "A" H-138)

An Act To Exempt Insurers of Commercial Vehicle Fleets from the Requirement of Notification to the Secretary of State When Insurance Is Cancelled

(S.P. 154) (L.D. 528)
(C. "A" S-95)

An Act To Allow for Equitable Recovery of Wages for Employees Who Are Not Paid in Full

(H.P. 479) (L.D. 659)
(C. "A" H-158)

An Act To Promote Ornamental Horticulture by Amending the Definition of "Commercial Agricultural Production"

(H.P. 492) (L.D. 672)
(C. "A" H-174)

An Act To Create an Income Tax Checkoff To Support Veterans' Cemeteries

(H.P. 511) (L.D. 716)
(C. "A" H-176)

An Act To Amend the Knox County Budget Process
(H.P. 522) (L.D. 727)
(C. "A" H-148)

An Act To Reauthorize Funding for the Lobster Promotion Council
(S.P. 260) (L.D. 793)
(C. "A" S-86)

An Act To Facilitate Testimony in Workers' Compensation Proceedings
(H.P. 574) (L.D. 809)
(C. "A" H-146)

An Act To Amend the Laws Governing Aquaculture
(H.P. 595) (L.D. 836)
(C. "A" H-159)

An Act To Prohibit Shooting Wild Turkey Decoys
(S.P. 317) (L.D. 942)
(C. "A" S-93)

An Act To Set Standards for Electronic Methods Used for Wage Payment
(H.P. 673) (L.D. 963)
(C. "A" H-160)

An Act To Improve Security at State Courthouses
(H.P. 696) (L.D. 1012)
(C. "A" H-173)

An Act To Establish and Implement the Maine STEP-UP Program
(S.P. 374) (L.D. 1057)

An Act To Reimburse Allan Wyman for Contributions to the Retired Teachers' Health Insurance Plan
(H.P. 733) (L.D. 1080)
(C. "A" H-149)

An Act To Create a Grandparent-to-grandchild Exemption in the Real Estate Transfer Tax
(H.P. 743) (L.D. 1090)
(C. "A" H-171)

An Act To Permit the Stopping of Traffic by Charitable Nonprofit Organizations for Certain Fund-raising Projects
(H.P. 835) (L.D. 1217)

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

An Act To Provide for Registration of Certain Snowmobile Trail-grooming Equipment
(H.P. 170) (L.D. 231)
(C. "A" H-157)

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

On motion of Representative MOORE of Standish, was **SET ASIDE**.

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

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

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

ROLL CALL NO. 103

YEA - Adams, Annis, Ash, Barstow, Beaudette, Berube, Bishop, Blanchard, Bliss, Bowen, Bowles, Brannigan, Brautigam, Bryant, Bryant-Deschenes, Burns, Cain, Canavan, Carr, Craven, Cressey, Crosby, Crosthwaite, Cummings, Curtis, Daigle, Davis G, Driscoll, Duchesne, Dudley, Duplessie, Eberle, Eder, Emery, Faircloth, Farrington, Finch, Fisher, Fitts, Gerzofsky,

Glynn, Goldman, Greeley, Grose, Harlow, Hogan, Hutton, Jacobsen, Jodrey, Koffman, Lerman, Lundeen, Makas, Marley, Marraché, Mazurek, McCormick, McKane, McLeod, Merrill, Miller, Mills, Moody, Nass, Norton, Ott, Paradis, Patrick, Pelletier-Simpson, Percy, Pilon, Pineau, Pingree, Pinkham, Piotti, Rector, Richardson D, Richardson E, Richardson W, Rines, Rosen, Sampson, Saviello, Schatz, Seavey, Smith N, Smith W, Stedman, Tardy, Thomas, Thompson, Trahan, Tuttle, Twomey, Valentino, Vaughan, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Austin, Babbidge, Brown R, Browne W, Campbell, Cebra, Churchill, Clark, Clough, Collins, Curley, Davis K, Duprey, Edgecomb, Fletcher, Flood, Hamper, Hanley B, Joy, Lansley, Lewin, Lindell, Marean, McFadden, McKenney, Millett, Moore G, Moulton, Nutting, Plummer, Richardson M, Sherman, Shields, Sykes.

ABSENT - Bierman, Blanchette, Dugay, Dunn, Fischer, Hall, Hanley S, Hotham, Jackson, Jennings, Kaelin, Muse, O'Brien, Perry, Robinson.

Yes, 102; No, 34; Absent, 15; Excused, 0.

102 having voted in the affirmative and 34 voted in the negative, with 15 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

Resolves

Resolve, Directing a Review of the Effects of Antifreeze, Engine Coolant and Aversive Agents on the Environment and Small Animals
(H.P. 432) (L.D. 599)
(C. "A" H-162)

Resolve, Directing the State Planning Office To Establish a Process for the Collection of Municipal and County Data
(S.P. 308) (L.D. 900)
(C. "A" S-91)

Resolve, Directing the Advisory Council on Tax-deferred Arrangements To Study Deferred Retirement Option Programs
(H.P. 688) (L.D. 978)
(C. "A" H-145)

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

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

ENACTORS

Emergency Measure

An Act To Provide for the 2005 and 2006 Allocations of the State Ceiling on Private Activity Bonds
(S.P. 508) (L.D. 1482)
(C. "A" S-115)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 128 voted in favor of the same and 5 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, May 5, 2005, 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 (9) **Ought to Pass as Amended by Committee Amendment "A" (H-168)** - Minority (4) **Ought to Pass as Amended by Committee Amendment "B" (H-169)** - Committee on **NATURAL RESOURCES** on Bill "An Act To Set Emission Limits for Certain Architectural Coatings" (H.P. 753) (L.D. 1100)

TABLED - April 26, 2005 by Representative KOFFMAN of Bar Harbor.

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

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

The Bill was **READ ONCE**. **Committee Amendment "B" (H-169)** was **READ** by the Clerk.

Representative DAIGLE of Arundel **PRESENTED** House Amendment "A" (H-270) to **Committee Amendment "B" (H-169)**, which was **READ** by the Clerk and **ADOPTED**.

The **SPEAKER**: The Chair recognizes the Representative from Arundel, Representative Daigle.

Representative **DAIGLE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This amendment basically takes the Minority Report and makes it so much like the Majority Report that we are all very happy. Thank you.

Subsequently, the house amendment was **ADOPTED**. **Committee Amendment "B" (H-169) as Amended by House Amendment "A" (H-270)** thereto was **ADOPTED**.

The Bill was assigned for **SECOND READING** Tuesday, May 10, 2005.

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass** - Minority (5) **Ought Not to Pass** - Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Create Entrepreneurship Internships for Maine High School and College Students"

(H.P. 685) (L.D. 975)

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

The Bill was **READ ONCE** and was assigned for **SECOND READING** Tuesday, May 10, 2005.

An Act To Reestablish the Penobscot County Budget Committee (EMERGENCY) (MANDATE)

(H.P. 274) (L.D. 361)

(C. "A" H-126)

TABLED - May 3, 2005 (Till Later Today) by Representative DUPLESSIE of Westbrook.

PENDING - **PASSAGE TO BE ENACTED**.

On motion of Representative BARSTOW of Gorham, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

HOUSE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (H-243)** - Minority (4) **Ought to Pass as Amended by Committee Amendment "B" (H-244)** - Committee on **NATURAL RESOURCES** on Bill "An Act

To Ensure Financial Solvency in Maine's Air and Wastewater Licensing Programs"

(H.P. 218) (L.D. 293)

TABLED - May 5, 2005 (Till Later Today) by Representative KOFFMAN of Bar Harbor.

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

The **SPEAKER**: The Chair recognizes the Representative from Arundel, Representative Daigle.

Representative **DAIGLE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Often when we know a divided report is coming up before the House, we try to think of an argument that can be made to possibly persuade those on the other side why they should reject the Majority Report.

Last week I had the good fortune of listening to just such an argument presented by my good friend from Portland, Representative Brannigan, House Chair of Appropriations. At that time he stood up on Tuesday regarding LD 1293 and stated - I wrote it down so I wouldn't forget - "that all of you in committees have bills that you think are worthy enough to try and get funding. Pass them, put them on the table and we'll see if we have any ability to fund this good bill."

The only issue really in this situation is about a storm water program that we believe is appropriate for the State of Maine and I think everybody in the committee and on both reports believes that it's good to have this storm water program. The issue in contention right now is how to pay for it. The Majority Report proposes a \$350 fee for industrial sources and we'll look back next year to see if that fee is appropriate, maybe to raise it up or to lower it down, but it is still creating a new fee, for a new program, with new employees at the Department of Environmental Protection.

Now, with all of the policy committees I am sure that many of you all have ideas that you wish you could think of, a great program in your subject matter, and if you can create a fee, authorize new staff to be hired or go off in that direction I am sure that you would be doing it and we would have a plethora of these bills before our body, but that isn't the way it's supposed to happen around here. When government decides that it is going to do something that has never been done before, expanding the staff and creating new revenue streams from the people that's part of a budget. That was an issue that we passed with a funding source that requires it to go to Appropriations at the end of the session and we are going to sit there, as Representative Brannigan described last week, lay them all out on the table and say which one are the right things to do with the next dollar we involuntarily collect for Maine's economy and that is the only distinction between the Majority and Minority Reports on this bill and which is why I urge you to vote against the Majority Report.

As you probably have told yourselves in your own policy committees all year long, please help us understand our natural resources and that the environment is very important, but not so important as to be different in this fundamental way which we create and fund programs. Mr. Speaker I ask that a roll call be taken.

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

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

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

Representative **BRANNIGAN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I really appreciate

being quoted on something I said last week and I know that you have all made notes of everything I have said. I would remind you though that I was speaking about a Majority Report.

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

Representative KOFFMAN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. There is a lot on our agenda today but I do want to speak about the Majority Report and about both elements of the bill because the bill has two pieces. One piece has been referred to by the good Representative from Arundel, Representative Daigle and that is establishing a one-time fee of up to \$350 for storm water discharges from industrial sources.

The other piece of the bill, which is also important and which he didn't speak to, authorizes disbursements from what we call our Ground Water Oil Clean Up Fund and that is going to be used by the Department of Environmental Protection to monitor and regulate air emissions from the distribution and use of oil. That second provision has the very strong support of the Maine Oil Dealers Association. They fully supported it and, in fact, negotiated this piece of the bill prior to the hearing, supported it at the hearing and supported it at the work session.

The fee on storm water is important for us to put in place now because in October of this year the EPA will be transferring, or delegating responsibilities for permitting storm water runoff. It is a mandatory transfer and because storm water management is a very important component in our water quality program we want to see this done right.

Certain industrial activities expose raw materials products or wastes to storm water making them sources of pollution that damage small streams, lakes, rivers and coastal waters. Nationally, 40% of water pollution is the result of non-point source pollution and in Maine we have almost 300 miles of rivers and 39,000 acres of lakes that are impaired from non-point source pollution. Even Casco Bay attributes 60% of its pollution loading to non-point sources. So, this is an issue that is really important. It is more important now to the water quality in Maine than the old point sources we are all familiar with from the sixties and seventies when we tried to stop the outflow of raw pollution into our lakes and rivers and coast. I urge my colleagues and Men and Women of the house to support the Majority Report. Thank you.

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

Representative SAVIELLO: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today in support of the Majority Report and to my fellow obstructionist this is one of those opportunities where he and I disagree.

A number of years ago, the state took over the delegation duties for wastewater permitting. This is one of those responsibilities that we knew we were going to get, perhaps not to the same level that we are accepting it, but we knew we were going to get it. This bill allows for a one-time fee. The original proposal was a multi-year fee to allow us to meet that obligation for the management of the program. Now I do believe, as some fellow members of the committee do, we need to reevaluate whether that delegation is something we want to continue as the Christmas tree list continues to get longer and longer from the EPA, but right now we have to accept that responsibility for the same reasons my good friend from Bar Harbor has just described.

Also, this bill maintains the funding for the air and water permitting programs that are essential to keeping our environmental programs together. I ask you to support the Majority Report. Thank you Mr. Speaker.

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

Representative DUCHESNE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I agree with the Representative from Arundel that this is a program that we all felt in committee was valuable. The Minority Report suggests the state conform by creating a paper program at the outset that wouldn't really do anything and furthermore the Minority Report says that if we move this past a paper program taxpayers are going to be on the hook for it and we will send it off to Appropriations for general funding. So, taxpayers are not only on the hook for it but the people who are discharging the storm water aren't and I am going to have a hard time selling that to my voters back home. Thank you Mr. Speaker.

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

ROLL CALL NO. 104

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Campbell, Canavan, Carr, Craven, Crosby, Cummings, Davis G, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fisher, Flood, Gerzofsky, Glynn, Goldman, Grose, Harlow, Hogan, Hutton, Koffman, Lundeen, Makas, Marley, Marraché, Mazurek, Merrill, Miller, Mills, Moody, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Pilon, Pineau, Pingree, Piotti, Rector, Rines, Rosen, Sampson, Saviello, Schatz, Smith N, Smith W, Thompson, Trahan, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Berube, Bishop, Bowen, Bowles, Brown R, Browne W, Bryant-Deschenes, Cebra, Churchill, Clark, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Daigle, Davis K, Duprey, Edgecomb, Emery, Fitts, Fletcher, Greeley, Hamper, Hanley B, Jacobsen, Jodrey, Joy, Lansley, Lewin, Lindell, Marean, McCormick, McFadden, McKane, McKenney, McLeod, Millett, Moore G, Moulton, Nass, Nutting, Ott, Pinkham, Plummer, Richardson D, Richardson E, Richardson M, Richardson W, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Vaughan.

ABSENT - Bierman, Blanchette, Dugay, Fischer, Hall, Hanley S, Hotham, Jackson, Jennings, Kaelin, Lerman, Muse, Perry, Robinson.

Yes, 77; No, 60; Absent, 14; Excused, 0.

77 having voted in the affirmative and 60 voted in the negative, with 14 being absent, and accordingly the Majority Ought to Pass as Amended Report was ACCEPTED.

The Bill was READ ONCE. Committee Amendment "A" (H-243) was READ by the Clerk and ADOPTED. The Bill was assigned for SECOND READING Tuesday, May 10, 2005.

MATTERS PENDING RULING

Resolve, To Ensure Effective Implementation of Alewife Restoration on the Sebasticook River Watershed

(H.P. 1117) (L.D. 1581)

(Committee on INLAND FISHERIES AND WILDLIFE suggested)

TABLED - May 3, 2005 by Speaker RICHARDSON of Brunswick.

PENDING - RULING OF THE CHAIR.

The SPEAKER: The Chair will now rule on a matter that has been tabled pending a ruling of the Chair. I call your attention to LD 1581 "Resolve, To Ensure Implementation of Alewife Restoration on the Sebasticook River Watershed." On March 28, 2005, LD 1322 "Resolve, To Ensure Implementation of Alewife

Restoration on the Sebasticook River Watershed" was placed in the Legislative Files after the Senate adhered to reference the resolve to the Committee on Marine Resources and the House, having previously adhered to reference to the Committee on Fisheries and Wildlife.

Upon further inspection, the Chair finds that LD 1322 and LD 1581 are identical.

I bring to your attention Joint Rule 217.

MEASURES REJECTED AT A PRIOR SESSION

A bill, resolve, constitutional resolution, resolution, memorial or order that as been introduced and finally rejected in a regular or special session may not be introduced in a subsequent regular or special session of the same Legislature except by vote of 2/3 of both chambers.

Therefore the chair finds that LD 1581 is not properly before the body. The Resolve will be sent to the Senate.

Subsequently, the Chair **RULED** the Resolve was not properly before the body pursuant to Joint Rule 217. Sent for concurrence.

SENATE PAPERS

Bill "An Act To Establish the Maine Higher Education Employer Initiative"

(S.P. 617) (L.D. 1663)

Came from the Senate, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

REFERRED to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

Bill "An Act To Limit Mercury Emissions from Crematoria"

(S.P. 616) (L.D. 1664)

Came from the Senate, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed.

REFERRED to the Committee on **NATURAL RESOURCES** in concurrence.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Reduce Dependence on Fossil Fuels by Advancing Biodiesel Use"

(H.P. 148) (L.D. 197)

Signed:

Senators:

SCHNEIDER of Penobscot
 ROTUNDO of Androscoggin
 ANDREWS of York

Representatives:

BARSTOW of Gorham
 McFADDEN of Dennysville
 MOULTON of York
 HARLOW of Portland
 BISHOP of Boothbay
 CROSTHWAITE of Ellsworth
 SAMPSON of Auburn
 BLANCHARD of Old Town
 MUSE of Fryeburg

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-266)** on same Bill.

Signed:

Representative:

SCHATZ of Blue Hill

READ.

Representative BARSTOW of Gorham moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

The **SPEAKER**: The Chair recognizes the Representative from Gorham, Representative Barstow.

Representative **BARSTOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. For the House's information the reason why the committee sided with the Ought Not to Pass recommendation on this bill is because there is a study pending either in another piece of legislation before another committee with this jurisdiction and I believe that an agency under the administration's guise is also looking to study this issue. So, before we went ahead and enacted law with regards to the principle put forth with advancing biodiesel use the committee thought that it would be in the best interest to study the issue further as it is coming forward in other pieces of legislation. With that said, I would encourage my colleagues to vote for the Majority Ought Not to Pass Report. Thank you Mr. Speaker.

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

ROLL CALL NO. 105

YEA - Adams, Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant, Bryant-Deschenes, Burns, Cain, Campbell, Canavan, Carr, Churchill, Clark, Clough, Collins, Craven, Crosby, Crosthwaite, Cummings, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Duprey, Eberle, Edgcomb, Emery, Faircloth, Farrington, Finch, Fisher, Fitts, Flood, Gerzofsky, Glynn, Goldman, Greeley, Grose, Hamper, Hanley B, Harlow, Hogan, Hutton, Jacobsen, Jodrey, Koffman, Lansley, Lerman, Lewin, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McFadden, McKane, McKenney, Merrill, Miller, Millett, Mills, Moody, Moore G, Moulton, Nass, Norton, Nutting, O'Brien, Ott, Paradis, Patrick, Pelletier-Simpson, Percy, Pineau, Pingree, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Rosen, Sampson, Saviello, Seavey, Sherman, Shields, Smith N, Smith W, Stedman, Sykes, Tardy, Thomas, Thompson, Trahan, Tuttle, Valentino, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Berube, Bishop, Cebra, Cressey, Eder, Fletcher, Joy, Lindell, McLeod, Pilon, Pinkham, Schatz, Twomey, Vaughan, Walcott.

ABSENT - Bierman, Dugay, Fischer, Hall, Hanley S, Hotham, Jackson, Jennings, Kaelin, Muse, Perry, Robinson.

Yes, 124; No, 15; Absent, 12; Excused, 0.

124 having voted in the affirmative and 15 voted in the negative, with 12 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Provide Funding for the New Century Community Program" (H.P. 397) (L.D. 521)

Signed:

Senators:

SCHNEIDER of Penobscot
ROTUNDO of Androscoggin
ANDREWS of York

Representatives:

BARSTOW of Gorham
McFADDEN of Dennysville
MOULTON of York
CROSTHWAITE of Ellsworth
SAMPSON of Auburn
BLANCHARD of Old Town
MUSE of Fryeburg

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-267)** on same Bill.

Signed:

Representatives:

HARLOW of Portland
BISHOP of Boothbay
SCHATZ of Blue Hill

READ.

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

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

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-261)** on Bill "An Act Allowing Certain Commercial Vehicles at Canadian Weight Limits To Travel from the Canadian Border at Houlton to New Limerick and from the Canadian Border at Calais to Baileyville"

(H.P. 257) (L.D. 334)

Signed:

Senators:

DAMON of Hancock
DIAMOND of Cumberland
SAVAGE of Knox

Representatives:

MARLEY of Portland
FISHER of Brewer
PARADIS of Frenchville
SAMPSON of Auburn
THOMAS of Ripley
MAZUREK of Rockland
McKENNEY of Cumberland
COLLINS of Wells
BROWNE of Vassalboro

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

Signed:

Representative:

HOGAN of Old Orchard Beach

READ.

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

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

Eight Members of the Committee on **STATE AND LOCAL GOVERNMENT** report in Report "A" **Ought to Pass** on Bill "An Act To Increase County Filing Fees"

(H.P. 745) (L.D. 1092)

Signed:

Senator:

SCHNEIDER of Penobscot

Representatives:

BARSTOW of Gorham
McFADDEN of Dennysville
HARLOW of Portland
SAMPSON of Auburn
BLANCHARD of Old Town
MUSE of Fryeburg
SCHATZ of Blue Hill

Four Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "A" (H-268)** on same Bill.

Signed:

Senator:

ANDREWS of York

Representatives:

MOULTON of York
BISHOP of Boothbay
CROSTHWAITE of Ellsworth

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (H-269)** on same Bill.

Signed:

Senator:

ROTUNDO of Androscoggin

READ.

Representative BARSTOW of Gorham moved that the House **ACCEPT** Report "A" **Ought to Pass.**

The **SPEAKER:** The Chair recognizes the Representative from York, Representative Moulton.

Representative **MOULTON:** Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I speak in opposition to the Majority Report. This bill was proffered by the good Representative from Augusta and the objection had to do with the fact that the bill, as presented, had fees staked a little bit higher than what we thought appropriate even though it has been over 20 years since a fee increase has been voted for those fees charged by the Registry of Deeds.

The fee itself is a good fee in the sense that it is charged at the level of county government and the fees go to county government. In doing so they lessen the tax burden on municipalities that fund county government. Therefore Mr. Speaker, very briefly, we do stand opposed to Majority Report. The Minority Report is just a slightly lesser amount, four dollars per filing instead of five, which in the case of filings at the Registry typically requires more than one instrument. Many cases require four or five instruments and in consideration of a fact that people having to purchase a home have to pay those fees we were trying to be sympathetic to their needs as well as the counties. Thank you Mr. Speaker.

The **SPEAKER:** The Chair recognizes the Representative from Gorham, Representative Barstow.

Representative **BARSTOW:** Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise today to speak in

favor of the Ought to Pass motion to accept Report "A" that is before us today.

County government is an entity that is mandated to carry out many, many responsibilities that take up the majority of the responsibilities dictated by the state. Those include recording deeds, recording probate documents, helping to maintain courthouses, etc.

What we are doing here by accepting the Majority Ought to Pass Report is to increase the fees and to help them to subsidize some of these costs that the state is not paying their fair share to help out with. This is helping to reduce property tax burden by, as I have said in the past, going more to a user-fee based system and helping to increase those fees to subsidize the cost of doing business with deeds, with probate and other services.

There was situation in the committee where, I guess from my perspective, it's not worth sitting here and squabbling over one or two dollars in a fee difference. This is something that, from what I can tell from the testimony, had little opposition to it and most people who spoke in favor of this bill spoke about the fact that this is one of those fees that has not been changed in many, many years. I would encourage my colleagues here to support this and try to give some support to county government, which we, as a state, in our general funding have not been able to do. Thank you Mr. Speaker.

Representative MOULTON of York **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass**.

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

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

ROLL CALL NO. 106

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Clark, Craven, Crosby, Cummings, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Faircloth, Farrington, Finch, Fisher, Gerzofsky, Goldman, Grose, Harlow, Hogan, Hutton, Koffman, Lerman, Lundeen, Makas, Marley, Marraché, Mazurek, McFadden, Merrill, Miller, Mills, Moody, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Pilon, Pineau, Pingree, Piotti, Plummer, Rines, Sampson, Saviello, Schatz, Smith N, Smith W, Thompson, Trahan, Tuttle, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Berube, Bishop, Bowen, Bowles, Brown R, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Duprey, Eder, Edgecomb, Emery, Fitts, Fletcher, Flood, Glynn, Greeley, Hamper, Hanley B, Jacobsen, Jodrey, Joy, Lansley, Lewin, Lindell, Mearan, McCormick, McKane, McKenney, McLeod, Millett, Moore G, Moulton, Nass, Nutting, Ott, Pinkham, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rosen, Seavey, Sherman, Shields, Stedman, Sykes, Tardy, Thomas, Twomey, Vaughan.

ABSENT - Bierman, Fischer, Hall, Hanley S, Hotham, Jackson, Jennings, Kaelin, Muse, Perry, Robinson.

Yes, 74; No, 66; Absent, 11; Excused, 0.

74 having voted in the affirmative and 66 voted in the negative, with 11 being absent, and accordingly Report "A" **Ought to Pass** was **ACCEPTED**.

The Bill was **READ ONCE** and was assigned for **SECOND READING** Tuesday, May 10, 2005.

CONSENT CALENDAR

First Day

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

(H.P. 136) (L.D. 185) Bill "An Act To Amend the Law on Mercury-added Products" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-271)**

(H.P. 517) (L.D. 722) Bill "An Act Regarding the Appointment of the Director of Investigations in the Office of the Attorney General" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-277)**

(H.P. 874) (L.D. 1277) Bill "An Act Regarding Speech-language Pathology Aides" (EMERGENCY) Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-272)**

(H.P. 915) (L.D. 1317) Bill "An Act To Prohibit and Provide Penalties for the Issuance, Manufacture and Use of False Academic Degrees or Certificates" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-273)**

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

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

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

Representative **PERCY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. If I were present on Roll Call number 100 on LD 1259 I would have voted yea.

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

Representative **ADAMS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Regarding item 7-4 on page 26 of today's calendar had I been present in the chamber on Roll Call number 100 on LD 1259 "An Act to Sustain Maine Schools and Libraries" I would have voted yes.

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

Representative **DUPREY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. If I had been present on today's Roll Call 102 LD 471 I would have voted yea.

The **SPEAKER**: The Chair recognizes the Representative from Lewiston, Representative O'Brien who wishes to address the House on the record.

Representative **O'BRIEN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. If I had been in the chamber on page 26, LD 1259 I would have voted yea.

The House recessed until 5:00 p.m.

(After Recess)

The House was called to order by the Speaker.

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-197)** - Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Reduce the Size of State Government by 5%"

(H.P. 483) (L.D. 663)

TABLED - May 3, 2005 (Till Later Today) by Representative BRANNIGAN of Portland.

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

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

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

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

Representative **MILLETT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would hope that we not give this bill its final resting place this evening. It was mentioned earlier that it does have a strategy that could be useful to both parties later on in the discussions this session. It is a bill that actually proposes to reduce the size of state government by an across-the-board reduction in all other spending and the Ought to Pass Report supported by the minority in the committee reduced it so it did not effect general purpose aid or debt service. It does actually generate considerable savings, to the tune of about \$37 million per 1%.

If we found a need before we adjourned in June to do some further adjusting to the biennial budget - either part one or part two - it seems to me that this is a worthy vehicle and I would hope that we not give it its final resting tonight and I would hope that you would support the roll call side and vote against the adoption of the Ought Not to Pass Report. Thank you Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Presque Isle, Representative Fischer.

Representative **FISCHER**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. It's often said that a surgeon can cut just as much with a scalpel as a butcher can with a meat ax and as I look at this bill this is the meat ax approach. There is no prioritization. There is no real thought that goes into it. It just says that all programs are equal and, to correct the good Representative from Waterford, what we are debating right now doesn't exempt anything from anything. So, this cuts everything equally, 5%.

When I was up in my district this weekend I asked a few people. I said "What do you think of this 5% idea?" and they said, "It doesn't sound too bad." and I said, "Well how about we

go and cut 5% of the Troopers off the road, how would you like that?" "No, we don't like that." "How about we cut 5% of the drug enforcement in Aroostook County and around the state?" Nope, that didn't sound so good either. I said, "Well you know of course you did vote for question 1A, which gave \$250 million this year and \$250 million in the next biennium for education. I said, "Why don't we just take 5% of that? How many teachers is that? How many books don't get bought? How about that for an idea?" They said they didn't like that either so I said, "What about the nursing homes? What about the mentally retarded? Does 5% of that sound good?" "No." they said, "We sent you there to make those choices."

So rather than just put something simple like this down I would propose that if people have cuts that they want to make, then bring them down to the second floor in Appropriations and we would be happy talk about them anytime. We will be having a lot of public hearings. If you think there is something that can be cut - anyone in this chamber or anyone outside of this chamber - I want to see it. If you just say 5% of everything, well, it doesn't sound so good to most people, so why don't you put it down on paper and then we can have a discussion. Thank you Mr. Speaker.

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

Representative **MILLETT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Very briefly, and not in anyway intended to correct the Representative from Presque Isle, but perhaps to remind him, on the evening of March 18th and into the morning of the 19th he was associated with an across-the-board cut for which there had been no homework done. Questions were posed, he and others could not answer what the effect was - they had not talked about what would be excluded or included and in the course of the evening a hand-written change was made to that across the board cut adding another \$750,000 without concern, without consideration and without homework being done. I would remind the Representative that my comments were to the effect that I am not endorsing the full 5%, I am just saying that as a vehicle when 1% would generate \$37 million worth of budget reductions I think it is worth considering and holding on to this vehicle for that potential purpose. Thank you.

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

Representative **JOY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I put this bill into the Appropriations Committee and presented it to them with the 5%, suggesting that maybe 5% was not the final number we needed to look at but perhaps we could look at 2% or something of that nature.

The good Representative from Waterford, Representative Millett is exactly right. We may have a use for this vehicle later on in this session. The Minority Report does just that and it does not touch education and it does not touch debt service. I think the important thing to remember is that this bill was put in and 50% of Maine State Employees are eligible for retirement and, as I told the committee, there will never be a better time to take a hard look and see where we could do some cutting across the state.

Another thing too, I keep hearing the words tax reform, tax reform. Ladies and gentlemen, you cannot reform taxation until you reform spending. This is a start in the right direction. I urge you to defeat the pending motion and go on to pass the Minority Ought to Pass. Thank you.

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

Representative **CURLEY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in opposition to the pending motion. I appreciate the comments of my good colleague from Presque Isle and I agree that across-the-board cuts like this without any detail might not be the most helpful. On the other hand, I think we need to recognize and appreciate the excellent state employees we have that are directors of their departments. We have highly qualified commissioners appointed by the Chief Executive and they know their work very well. I think that in some ways, by being too detailed, we are not giving them the credit, the responsibility or the accountability that they deserve and that we expect from them.

While we might not like across-the-board cuts, I know that our excellent commissioners can look at those areas that don't really affect people. For example: conferences, travel, office costs, public relations, all of those things that are in their budget that don't really provide service to those people that we are responsible to take care of. So, I would like to oppose this motion and let's give our excellent state employees, our administrators and our commissioners the responsibility and the accountability and let them help us make the priorities and do what is best for the people of Maine. The best thing is to live within our means and spend money that we have and not borrow so that our children and grandchildren aren't paying off debts for things that we can avoid now. Thank you Mr. Speaker.

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

Representative **DUDLEY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The Representative from Scarborough is at least in part correct. We do have excellent people working for us in state government, excellent senior people working for us in the executive branch and they do an excellent job, but the truth is not one of them, other than their boss, the Chief Executive himself, was elected to do the job. That is our job. The people elected us to make these decisions and in many instances difficult decisions on what our priorities are and how we are going to spend state funds and to make investments in precise ways, not in haphazard ways. That's why I will be voting with my colleague from Appropriations the Representative from Presque Isle, whose argument was, I think, dead on.

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

ROLL CALL NO. 107

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Clark, Craven, Crosby, Cummings, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Gerzofsky, Goldman, Grose, Harlow, Hogan, Hutton, Jackson, Jennings, Koffman, Lerman, Lundeen, Makas, Marley, Marraché, Mazurek, Merrill, Miller, Mills, Moody, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Pilon, Pineau, Pingree, Piotti, Rines, Sampson, Saviello, Schatz, Smith N, Smith W, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Bierman, Bishop, Bowen, Bowles, Brown R, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Duprey, Edgecomb, Emery, Fitts, Fletcher, Flood, Glynn, Hall, Hamper, Hanley B, Hotham, Jacobsen, Jodrey, Joy, Lansley, Lewin, Lindell, Marean, McCormick, McFadden, McKane, McKenney, McLeod, Millett,

Moore G, Moulton, Muse, Nass, Nutting, Ott, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Seavey, Sherman, Shields, Sykes, Tardy, Thomas, Trahan, Vaughan.

ABSENT - Berube, Fisher, Greeley, Hanley S, Kaelin, Perry, Stedman.

Yes, 75; No, 69; Absent, 7; Excused, 0.

75 having voted in the affirmative and 69 voted in the negative, with 7 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass** - Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Clarify State Auditor Qualifications"

(H.P. 512) (L.D. 717)

TABLED - May 3, 2005 (Till Later Today) by Representative **BARSTOW** of Gorham.

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

The **SPEAKER**: The Chair recognizes the Representative from Auburn, Representative Shields.

Representative **SHIELDS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I submitted this bill after reviewing the current statutes for the qualifications for State Auditor. In order to qualify to be State Auditor in our current statutes there are four different disciplines that are mentioned and they all have varied degrees of education, training, experience and examinations. In order to bring some order to the requirements to be a state auditor this bill says that we should have one criteria for the job and that would be a Certified Public Accountant, a CPA, which I believe is almost universally accepted as the gold standard and the best qualification.

I think it is important that the State Auditor of Maine have an in depth understanding of the auditing function of that office and those who work in it. A CPA would be that person. There is no shortage of CPAs and many of them have good management skills.

Now, I don't consider this a partisan issue and Lord knows I have engaged in partisan activities, but this is not one of them. This is an act that prepares Maine for the 21st century with a high quality state officer that we can all be interested in no matter who the majority party is. So, if you are planning to vote against this because of partisanship, please reconsider. Note that section three of the bill specifically says that this act applies on the date that the current State Auditor's term ends or when that person no longer serves in that position.

The current State Auditor is not affected by this act so please support this action, which helps bring to state government the best-qualified people. This state deserves no less. Mr. Speaker, when the vote is taken I ask for the yeas and nays.

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

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

The **SPEAKER**: The Chair recognizes the Representative from Boothbay, Representative Bishop.

Representative **BISHOP**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The question before us in its most simple form is should we, given the increasingly complex nature of finances in this state, require all

future State Auditors to be professional Certified Public Accountants? In answer to this I ask two brief questions. First, would any of us higher a lawyer who had not passed the bar? Second, would any of us trust our lives to a doctor who had not passed his medical boards?

We the Legislature, as the elected body of state government responsible for the fiscal safety of this state, how can we really afford to trust our state's audits to anything less than a complete professional? I urge you to vote against the Ought Not to Pass Report. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Holden, Representative Hall.

Representative HALL: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise today as the only member of this House who actually holds the CPA certificate and I can tell you that I was absolutely appalled on December 1st when we stood here, all of us in this body, and elected a person to serve as State Auditor that did not have the initials CPA after her name. This is absolutely nothing against this person but I feel very, very strongly that it is an insult to our profession. It is an insult to me and it is an insult to the very qualified candidate that we had running against the now State Auditor and I would urge all of you to make sure that in the future this does not happen again. I urge all of you to vote against the Ought Not to Pass Motion. Thank you.

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

Representative SAMPSON: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'm sorry you're insulted, Sir. I just have to speak because I think this is about the present auditor. So, I want to speak about what I know. I had a constituent last session who worked in the State Auditing Department and there were a lot of things going on that were management types of things that were not handled in the best way.

What we really needed there was not another CPA and there were many that are in that office that are wonderful CPAs. They understand that whole process but what they needed was a manager who understood how to manage people and get the job done, how to pull people together so that it worked in a much better way and we have done that. I have had so much feedback about the exemplary work that this auditor has done. I am proud that she is our auditor. She has done a great job and while I appreciate what you are saying this is a future kind of thing. It would be a real tragedy because she is a professional.

Other people have other professions and can bring a lot to the table and are able to bring a lot of different attributes to the job as she has shown and I think this is absolutely about Neria and the job that she is doing. I am sorry you are insulted but having had the experience that I had with folks that worked in that department before, I think we made the best choice. Thank you sir.

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

Representative BARSTOW: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think that the good Representative from Boothbay does bring up a valid point for us to discuss with regards to certifications of positions and lawyers with regards to their professions. However, I stand here today to make sure that we make the clarification that, in statute, we do have certification.

As it is right now, when you are electing someone to be the State Auditor - as the good Representative who proudly holds the only CPA certification in this chamber showed - there are not many qualified candidates out there that can engage in the

political, management and auditing aspects of the duties that the are inherent to take if they are elected to that position.

I would note, and this was brought forward Mr. Speaker and Ladies and Gentlemen of the House, that seventeen other states have State Auditors and there is no CPA requirement for that. We do have a requirement right now on the books, and this is very important to know, we don't have people just coming in the door and being elected to the positions they are in without some form of certification. Within 9 months of being elected you must become a Certified Internal Auditor or fit some of the other qualifications. Certified Public Accountant is one of the things mentioned in here or a Public Accountant. These are all qualifications that, of all of those, must be accepted through a process and through a formal test to get that certification.

It should also be known, Mr. Speaker, that in this office we are not talking about a situation where the State Auditor is the only person who would be qualified to be an auditor. Really, the auditor that we have now has done a good job of that and there are many people that she has kept on the staff that have been in state government for years and that have those qualifications and know the ins and outs of the audit, both here at the state level to perform our legal auditing duties and further, also when we help out with municipalities in helping them carry out their auditing duties. Mr. Speaker, I feel that there is no need to change this, the majority of the committee felt this and that is why we have a Majority Report and I would ask my colleagues to accept that Majority Ought Not to Pass Report. Thank you Mr. Speaker.

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

Representative SHIELDS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. There are 11 states that do require CPAs to be their State Auditors, that's a fact. So, I would hope that we would be number 12 and I again emphasize to you section three of this bill that specifically exempts the current State Auditor from any exemption. That is, the current State Auditor will not be affected one way or the other by this bill. This looks to the future and I hope you can look to the future and not at what has happened here in the past. I would urge you to vote against the pending motion.

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

Representative BARSTOW: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would say that I appreciate the point that was made by the good Representative from Auburn. The committee was aware and understood that this was for future auditors. I believe that my colleagues were judging this on the merits of the bill, looking at future auditors, not past situations that have transpired politically or otherwise in this chamber. We still felt that the Majority Ought Not to Pass Report and a lack of change in the law was the best way to go. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Eliot would remind members that the relevance of past auditors is not proper for discussion, it is the future auditors that are under discussion in this debate.

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

Representative LEWIN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. On the subject of past performance, perhaps if we had professional requirements in the State of Maine we could avoid some of the debacles and fiascos of the past. Specifically in Health and Human Services. Thank you.

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

Representative GERZOFSKY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I very seldom get up and debate bills that came through other committees than my own because I'm usually like the rest of us and not that aware of them, but this one, I think, is rather interesting. Now, far be it from me to think anything will be partisan from the Representative of Auburn who is bringing a bill that would affect a person from the other party from Auburn and call it partisan. I would never do that, but I would like to remind people in this chamber that a session ago we had in front of us in criminal justice a bill to make anybody that wants to run for Sheriff in their county to have already been a graduate of the police academy so that he would be a professional. We voted that down in committee and thought you could get elected and then become a Sheriff and then you could go through the academy and then you could learn what you did because you are an administrator, your not out there doing arrests.

During that hearing, I had Senator Martin in front of us. Knowing that he had a little bit of knowledge about the way this institution runs and the rules of it I asked him a couple of questions. One of those questions was, "Do you have to be a Representative to be Speaker of the House?" Senator Martin looked at me and said, "No, you don't." I said, "Do you have to be a Senator to be President of the Senate?" He said, "No, you don't." "Do you have to be an academy graduate to be Sheriff?" We have to put up with a few acts in here every once in a while.

Getting back to my statement. You don't have to be a Representative to be a Speaker. You don't have to be a Senator to be the President of the Senate. You don't have to be a sworn graduate of the Police Academy to be a sheriff and you don't have to be an accountant to fill this position either. You have a year to take the test and then you become the accountant and so, I would hope that everybody understands that when they are voting. Thank you very much, and thank you very much to the pigeons.

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

Representative BISHOP: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In the end, what we all are here for is for one reason and that is: We are here to represent the people to the best of our ability and to do our best for the State of Maine. I think we all recognize that financial situations are becoming increasingly complex.

The Audit Report that is the primary responsibility of the State Auditor is our representation to the federal government. We should be looking to the future. We should be looking to take care of the responsibility that we have been given by the people of the State of Maine and as such, we should understand that it is going to become more difficult, not less difficult. It is going to require not only political ability and administrative ability, but it's also going to require a really deep and fundamental understanding of finances and audits.

If we are to take our responsibility to heart we should be voting against the Ought Not to Pass resolution in front of us because what we want is for the people of the State of Maine to be proud of the directions that we are trying to go in. Thank you very much, Mr. Speaker. Thank you very much, Ladies and Gentlemen of the House, I know you will do the right thing.

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

ROLL CALL NO. 108

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Clark, Craven, Crosby, Cummings, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Goldman, Grose, Harlow, Hogan, Hutton, Jackson, Jennings, Koffman, Lerman, Lundeen, Makas, Marley, Marraché, Miller, Mills, Moody, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Pilon, Pineau, Pingree, Piotti, Rines, Sampson, Schatz, Smith N, Smith W, Thompson, Tuttle, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Bierman, Bishop, Bowen, Bowles, Brown R, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Duprey, Eder, Edgecomb, Emery, Fitts, Fletcher, Flood, Glynn, Hall, Hamper, Hanley B, Hotham, Jacobsen, Jodrey, Joy, Lansley, Lewin, Lindell, Marean, Mazurek, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Millett, Moore G, Moulton, Muse, Nass, Nutting, Ott, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Saviello, Seavey, Sherman, Shields, Sykes, Tardy, Thomas, Trahan, Twomey, Vaughan.

ABSENT - Berube, Greeley, Hanley S, Kaelin, Perry, Stedman.

Yes, 71; No, 74; Absent, 6; Excused, 0.

71 having voted in the affirmative and 74 voted in the negative, with 6 being absent, and accordingly the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**.

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

The Bill was **READ ONCE** and was assigned for **SECOND READING** Tuesday, May 10, 2005.

HOUSE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-191)** - Committee on **TAXATION** on Bill "An Act To Exempt Military Pensions for Future Military Retirees from State Income Tax"

(H.P. 682) (L.D. 972)

TABLED - May 3, 2005 (Till Later Today) by Representative DUDLEY of Portland.

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

A roll call having been previously ordered on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report was taken now:

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

ROLL CALL NO. 109

YEA - Babbidge, Brannigan, Burns, Cain, Clough, Driscoll, Dudley, Duplessie, Emery, Faircloth, Goldman, Hotham, Hutton, Jackson, Koffman, McFadden, Moody, Norton, O'Brien, Paradis, Pelletier-Simpson, Percy, Pineau, Richardson M, Smith N, Smith W, Twomey, Wheeler, Woodbury.

NAY - Adams, Annis, Ash, Austin, Barstow, Beaudette, Bierman, Bishop, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brautigam, Brown R, Browne W, Bryant, Bryant-Deschenes, Campbell, Canavan, Carr, Cebra, Churchill, Clark, Collins, Craven, Cressey, Crosby, Crosthwaite, Cummings, Curley, Curtis, Daigle, Davis G, Davis K, Duchesne, Dugay, Dunn, Duprey, Eberle, Eder, Edgecomb, Farrington, Finch, Fischer,

Fisher, Fitts, Fletcher, Flood, Gerzofsky, Glynn, Grose, Hall, Hamper, Hanley B, Harlow, Hogan, Jacobsen, Jennings, Jodrey, Joy, Lansley, Lerman, Lewin, Lindell, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McKane, McKenney, McLeod, Merrill, Miller, Millett, Mills, Moore G, Moulton, Muse, Nass, Nutting, Ott, Patrick, Pilon, Pingree, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson W, Rines, Robinson, Rosen, Sampson, Saviello, Schatz, Seavey, Sherman, Shields, Sykes, Tardy, Thomas, Thompson, Trahan, Tuttle, Valentino, Vaughan, Walcott, Watson, Webster, Mr. Speaker.

ABSENT - Berube, Greeley, Hanley S, Kaelin, Perry, Stedman.

Yes, 29; No, 116; Absent, 6; Excused, 0.

29 having voted in the affirmative and 116 voted in the negative, with 6 being absent, and accordingly the Majority Ought Not to Pass Report was NOT ACCEPTED.

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

The Bill was READ ONCE. Committee Amendment "A" (H-191) was READ by the Clerk and ADOPTED. The Bill was assigned for SECOND READING Tuesday, May 10, 2005.

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

An Act To Reestablish the Penobscot County Budget Committee (EMERGENCY) (MANDATE)

(H.P. 274) (L.D. 361)
(C. "A" H-126)

Which was TABLED by Representative BARSTOW of Gorham, pending PASSAGE TO BE ENACTED.

On motion of Representative BARSTOW of Gorham, the rules were SUSPENDED for the purpose of RECONSIDERATION.

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

The same Representative PRESENTED House Amendment "A" (H-280) which was READ. by the Clerk.

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

Representative BARSTOW: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. For the House's information this is a legal clarification that had to be made before we passed this to be enacted and that is why I am adding it on and reconsidering the action and I would appreciate my colleagues' support in adopting this amendment. Thank you Mr. Speaker.

Subsequently, House amendment "A" (H-280) was ADOPTED.

The Bill was PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-126) and House Amendment "A" (H-280) in NON-CONCURRENCE and sent for concurrence. ORDERED SENT FORTHWITH.

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

UNFINISHED BUSINESS

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

Joint Order Requiring the Joint Standing Committee on Appropriations and Financial Affairs To Study State Retirement Issues

(H.P. 1172)

TABLED - May 5, 2005 (Till Later Today) by Representative DUPLESSIE of Westbrook.

PENDING - PASSAGE.

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

Representative BRANNIGAN: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I asked that this be tabled yesterday and ordered to look it over because it seemed that it was quite a complex task, especially for the Appropriations Committee to study all of these issues in the five or six days that we meet monthly between now and next January.

I have looked it over, I have talked to other people and it just seems to be a huge task and some of it not in our bailiwick. I have spoken to the sponsor and to the lead on our committee and have told them that there are certain things that we could look at and probably should work at and they are going to work together with me and with others to bring a very small section of this request to the committee during our deliberations and our monthly visits. So, that is an agreement that I have talked with them about and feel that that is the best we can do. These other things will need to be studied in a much more thorough way. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Hodgdon, Representative Sherman.

Representative SHERMAN: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. As sponsor of this resolve, I did have a conversation with the Gentleman from the far corner and I am satisfied that he will do what he can within the time constraints they have. So he kind of pared this down so we can take a look at a portion of this and so I am satisfied with what's being done. Thank you very much.

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

Representative MILLETT: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I too, want to express my support for the assurance that our House Chair of Appropriations has given to us. I did work with Representative Sherman in crafting this. I think the subject is of great importance to us, particularly items A and B under "duties". We reflect back on the discussions we had relative to the Part I budget and we know this is an issue which we must tackle and with the assurances of the House Chair that we as a committee can look at this in the meetings that we have between now and the second session and I am satisfied and I accept his commitment and I thank him for it.

On motion of Representative BRANNIGAN of Portland, the Joint Order and all accompanying papers were INDEFINITELY POSTPONED.

House Order Propounding Questions to the Justices of the Supreme Judicial Court regarding LD 383 An Act To Ban Government Conflict of Interest in Elections

(H.O. 34)

TABLED - May 5, 2005 (Till Later Today) by Representative DUPLESSIE of Westbrook.

PENDING - PASSAGE.

Representative DUPLESSIE of Westbrook moved that the House Order and all accompanying papers be INDEFINITELY POSTPONED.

Representative VAUGHAN of Durham **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the House Order and all accompanying papers.

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

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

ROLL CALL NO. 110

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Clark, Craven, Crosby, Cummings, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Goldman, Grose, Harlow, Hogan, Hutton, Jackson, Jennings, Koffman, Lerman, Lundeen, Makas, Marley, Marraché, Mazurek, Merrill, Miller, Mills, Moody, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Pilon, Pineau, Pingree, Piotti, Rines, Sampson, Saviello, Schatz, Smith N, Smith W, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Bierman, Bishop, Bowen, Bowles, Brown R, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Duprey, Edgecomb, Emery, Fitts, Fletcher, Flood, Glynn, Hall, Hamper, Hanley B, Hotham, Jacobsen, Jodrey, Joy, Lansley, Lewin, Lindell, Marean, McCormick, McFadden, McKane, McKenney, McLeod, Millett, Moore G, Moulton, Muse, Nass, Nutting, Ott, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Seavey, Sherman, Shields, Sykes, Tardy, Thomas, Trahan, Vaughan.

ABSENT - Berube, Greeley, Hanley S, Kaelin, Perry, Stedman.

Yes, 76; No, 69; Absent, 6; Excused, 0.

76 having voted in the affirmative and 69 voted in the negative, with 6 being absent, and accordingly the House Order and all accompanying papers were **INDEFINITELY POSTPONED**.

HOUSE DIVIDED REPORT - Majority (8) Ought to Pass as Amended by Committee Amendment "A" (H-230) - Minority (5) Ought Not to Pass - Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act To Provide Funding towards the Employment of a Demersal Finfish Ecologist by the Gulf of Maine Research Institute"

(H.P. 455) (L.D. 622)

TABLED - May 5, 2005 (Till Later Today) by Representative CUMMINGS of Portland.

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

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-230)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 10, 2005.

HOUSE DIVIDED REPORT - Majority (8) Ought Not to Pass - Minority (5) Ought to Pass - Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act To Strengthen Community Health Centers and Indian Health Centers"

(H.P. 834) (L.D. 1216)

TABLED - May 5, 2005 (Till Later Today) by Representative CUMMINGS of Portland.

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

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

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

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

ROLL CALL NO. 111

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Craven, Crosby, Cummings, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Goldman, Grose, Harlow, Hogan, Hutton, Jackson, Jennings, Koffman, Lerman, Lundeen, Makas, Marley, Mazurek, Merrill, Miller, Mills, Moody, Norton, O'Brien, Patrick, Pelletier-Simpson, Percy, Pilon, Pineau, Pingree, Piotti, Rines, Sampson, Saviello, Schatz, Smith N, Smith W, Thomas, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Bierman, Bishop, Bowen, Bowles, Brown R, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clark, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Dugay, Duprey, Edgecomb, Emery, Fitts, Fletcher, Flood, Glynn, Hall, Hamper, Hanley B, Hotham, Jacobsen, Jodrey, Joy, Lansley, Lewin, Lindell, Marean, Marraché, McCormick, McFadden, McKane, McKenney, McLeod, Millett, Moore G, Moulton, Muse, Nass, Nutting, Ott, Paradis, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Seavey, Sherman, Shields, Sykes, Tardy, Trahan, Vaughan.

ABSENT - Berube, Greeley, Hanley S, Kaelin, Perry, Stedman.

Yes, 73; No, 72; Absent, 6; Excused, 0.

73 having voted in the affirmative and 72 voted in the negative, with 6 being absent, and accordingly the Majority **Ought Not to Pass Report** was **ACCEPTED**. **ORDERED SENT FORTHWITH**.

HOUSE DIVIDED REPORT - Majority (7) Ought Not to Pass - Minority (6) Ought to Pass as Amended by Committee Amendment "A" (H-190) - Committee on TAXATION on Bill "An Act To Increase the Franchise Tax on Financial Institutions"

(H.P. 351) (L.D. 476)

TABLED - May 5, 2005 (Till Later Today) by Representative JACKSON of Fort Kent.

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

The **SPEAKER**: The Chair recognizes the Representative from Van Buren, Representative Smith.

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to explain to you what this bill does.

One of the things that became apparent to me over the last four years is that we have every year placed greater and greater burdens upon the poor people of our state with our measures. We have increased the fees. We have increased the costs to them and we have done nothing to make it easier for the poor

people. I have also over the years here heard time and time again how unfriendly we were to business. After you hear something often enough you start to think that maybe that is true. Then I came across something that really struck me. I looked at the bank tax rates and I found that the tax rate for banking or banks in the State of Maine is the lowest in the country.

While we tax our individuals between anywhere from 2 – 8.5% while we tax our corporations from 3.5 – 8.9%, our tax rate for banks is 1%. The lowest. Now, I had sent to your desks some tables, which deal with the state and local tax collection by source and the range of state corporate tax rates and some of you responded saying, "What does this mean?" Well, first of all let me tell you where it came from. The Maine Business Association Round Table commissioned Price Waterhouse Coopers to do a report for them on the status of taxation from Maine tax reform considerations and in that report they include these schedules. Look at table A-4 and then look at the State of Maine. Property taxes account for 42.1% of Maine tax revenues, sales taxes 18.4%, selective sales taxes – I assume these may be the sin taxes – 8.9%. Individual income taxes in Maine are at 23.6% of our revenues collected. Corporate income taxes are 1.7%. So, when you hear that somehow we are not business friendly in this state go look and see how much they are actually paying.

Now look at table A-8 from that same report. If you look at the State of Maine in that column it shows you that the tax rates for Maine corporations are 3.5%-8.93%. Ok, that's sort of consistent with the individuals, but then go over to that column on the far right and that's where it will tell you that Maine banks only pay 1% of net income. This bill proposes to take that 1% and double it to 2% and that is not going to chase any bank out of the State of Maine and that's not going to make MBNA decide they are not going to do business in Maine or hire our citizens to work for them.

What I am suggesting to you is that we need to take a step to make the taxation in Maine a little bit fairer. Every four months you read in the newspaper the banks talking about how their quarterly profits have gone up over the previous time. You have read all that and you know they are making a lot of money. This is asking nothing more than that they give something back to the state. They are hiring state employees who are educating those employees for them. They are protected by our law enforcement and we are paying for that. We are paying for the services that keep the banks here. We are paying for the services to allow their customers to work with them so it is time that they pay a fairer share and I don't even say that 2% is fair, but what it does is send a signal to our people that we are not always going to be falling upon those people who don't have lobbyists working for them and who don't have Banker's Days to try and ingratiate themselves with you. We need to think about the people that can't afford the lobbyists. So if you believe that banks shouldn't pay 1% when other corporations and individuals pay over 8% then vote red. If you believe that the banks should pay their fair share of the cost of educating and providing services vote red and if you think that banks should pay a fairer share of 1%-2% of their profit then, again vote red.

Think of the people in this state. Think of the fairness in taxation. This is the first chance you are going to have to try and bring some fairness to taxation in this state. I ask you to defeat the pending motion and vote red.

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

Representative CLOUGH: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It surprises me that at a time when we have a reputation for having the highest

tax in the nation and a reputation of being the least friendly to businesses that we would attempt to raise or double the tax on an industry that has been quite successful in Maine.

According to Maine's Department of Labor, financial service sector employment during the past decade has grown at more than twice the rate of all industry employment. This financial services employment growth has been among the best in providing Maine's young adults with a job in their home state and promoting economic revitalization in many areas of the state.

Governor Baldacci has prioritized the financial services sector as one of Maine's best opportunities for further job growth and maintaining the franchise tax at its current level will assist this economic development effort. Bank income tax has been growing and has the benefit of being very consistent. Banks pay an additional tax on asset while other states don't. This they pay whether they are profitable or not. Consistency is a benefit to both the State of Maine and the financial services industry. It is also important to note that banks pay the state Bureau of Financial Services an additional assessment and pay examination fees funding that agency. It's dedicated revenue and is considered by accountants as a second asset tax. Mr. Speaker, Ladies and Gentlemen, when the vote is taken I would ask that you support the pending motion.

Representative RICHARDSON of Brunswick REQUESTED a roll call on the motion to ACCEPT the Majority Ought Not to Pass Report.

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

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

ROLL CALL NO. 112

YEA - Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Bierman, Bishop, Blanchard, Blanchette, Bowen, Bowles, Brannigan, Brown R, Browne W, Bryant, Bryant-Deschenes, Cain, Campbell, Carr, Cebra, Churchill, Clark, Clough, Collins, Cressey, Crosby, Crosthwaite, Cummings, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dugay, Dunn, Duprey, Eberle, Edgecomb, Emery, Farrington, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Glynn, Goldman, Hall, Hamper, Hanley B, Hogan, Hotham, Jacobsen, Jodrey, Joy, Koffman, Lansley, Lerman, Lewin, Lindell, Lundeen, Marean, Marraché, Mazurek, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Miller, Millett, Mills, Moody, Moore G, Moulton, Muse, Nass, Nutting, Ott, Paradis, Pelletier-Simpson, Pilon, Pingree, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Robinson, Rosen, Sampson, Saviello, Schatz, Seavey, Sherman, Shields, Smith N, Sykes, Tardy, Thomas, Thompson, Trahan, Tuttle, Vaughan, Webster, Woodbury, Mr. Speaker.

NAY - Adams, Bliss, Brautigam, Burns, Canavan, Craven, Dudley, Duplessie, Eder, Faircloth, Finch, Grose, Harlow, Hutton, Jackson, Jennings, Makas, Marley, Norton, O'Brien, Patrick, Percy, Pineau, Smith W, Twomey, Valentino, Walcott, Watson, Wheeler.

ABSENT - Berube, Greeley, Hanley S, Kaelin, Perry, Stedman.

Yes, 116; No, 29; Absent, 6; Excused, 0.

116 having voted in the affirmative and 29 voted in the negative, with 6 being absent, and accordingly the Majority Ought Not to Pass Report was ACCEPTED and sent for concurrence. ORDERED SENT FORTHWITH.

CONSENT CALENDAR

Second Day

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

(H.P. 136) (L.D. 185) Bill "An Act To Amend the Law on Mercury-added Products" (C. "A" H-271)

(H.P. 517) (L.D. 722) Bill "An Act Regarding the Appointment of the Director of Investigations in the Office of the Attorney General" (C. "A" H-277)

(H.P. 874) (L.D. 1277) Bill "An Act Regarding Speech-language Pathology Aides" (EMERGENCY) (C. "A" H-272)

(H.P. 915) (L.D. 1317) Bill "An Act To Prohibit and Provide Penalties for the Issuance, Manufacture and Use of False Academic Degrees or Certificates" (C. "A" H-273)

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

CONSENT CALENDAR

First Day

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

(H.P. 271) (L.D. 358) Bill "An Act To Limit Property Tax Abatement for Reasons of Poverty or Infirmary to Applicants' Residential Property" Committee on **TAXATION** reporting **Ought to Pass**

(H.P. 410) (L.D. 555) Bill "An Act To Enhance Driver Education and Safety" (EMERGENCY) Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-289)**

(H.P. 456) (L.D. 623) Bill "An Act To Ensure Participation by Voters with Disabilities in the Electoral Process" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-283)**

(H.P. 671) (L.D. 961) Bill "An Act To Establish the Agricultural Water Management Fund" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-284)**

(H.P. 730) (L.D. 1077) Bill "An Act To Allow Accent Lighting on Motor Vehicles" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-290)**

(H.P. 828) (L.D. 1200) Bill "An Act To Establish a Uniform Private Facilities Tuition Rate Establishment Procedures" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-292)**

(H.P. 838) (L.D. 1220) Bill "An Act To Improve the Process for Reporting Accidents Involving Off-road Vehicles" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-288)**

(H.P. 897) (L.D. 1300) Bill "An Act To Create the ATV Trail Advisory Council" (EMERGENCY) Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-287)**

(H.P. 931) (L.D. 1348) Bill "An Act To Increase Funding for Meals on Wheels Program" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-279)**

(H.P. 938) (L.D. 1355) Bill "An Act To Prohibit Unfair Charges in Mobile Home Parks" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-285)**

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

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

(S.P. 17) (L.D. 37) Resolve, To Establish a Demonstration Project To Create Mental Health and Substance Abuse Treatment Programs for Immigrant and Refugee Populations Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-124)**

(S.P. 88) (L.D. 268) Bill "An Act To Allow Electronic Calling Devices for Hunting" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-80)**

(S.P. 161) (L.D. 535) Bill "An Act To Clarify for Tax Purposes That Manure Removal and Storage Are Operations Directly Involved in the Raising and Care of Livestock" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-88)**

(S.P. 216) (L.D. 680) Bill "An Act To Provide for the Efficient Administration of Scholarship Resources" (EMERGENCY) Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-123)**

(S.P. 221) (L.D. 685) Bill "An Act To Waive Continuing Education Requirements and To Provide an Automatic Extension of a License, Certificate or Registration for Mobilized Military Members" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-121)**

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

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

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Amend the Laws Governing De Minimis Infractions of the Maine Criminal Code" (H.P. 499) (L.D. 704)

Signed:

Senators:

HOBBINS of York
BROMLEY of Cumberland
HASTINGS of Oxford

Representatives:

PELLETIER-SIMPSON of Auburn
FAIRCLOTH of Bangor
GERZOFKY of Brunswick
CANAVAN of Waterville
BRYANT of Windham
DUNN of Bangor
CARR of Lincoln
BRYANT-DESCHENES of Turner
NASS of Acton

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-278)** on same Bill.

Signed:

Representative:

SHERMAN of Hodgdon

READ.

Representative PELLETIER-SIMPSON of Auburn moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

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

ROLL CALL NO. 113

YEA - Adams, Ash, Austin, Babbidge, Barstow, Beaudette, Bierman, Bishop, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant, Bryant-Deschenes, Burns, Cain, Campbell, Canavan, Carr, Churchill, Clark, Clough, Collins, Craven, Crosby, Crosthwaite, Cummings, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Edgcomb, Emery, Faircloth, Farrington, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Glynn, Goldman, Grose, Hamper, Hanley B, Harlow, Hogan, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Koffman, Lansley, Lerman, Lewin, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McFadden, McKane, McLeod, Merrill, Miller, Millett, Mills, Moody, Moore G, Moulton, Muse, Nass, Norton, Nutting, O'Brien, Ott, Paradis, Patrick, Pelletier-Simpson, Percy, Pilon, Pineau, Pingree, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Robinson, Rosen, Sampson, Saviello, Schatz, Seavey, Sherman, Shields, Smith N, Smith W, Sykes, Tardy, Thompson, Trahan, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Cebra, Cressey, Duprey, Hall, Joy, Lindell, McKenney, Pinkham, Thomas, Vaughan.

ABSENT - Berube, Finch, Greeley, Hanley S, Kaelin, Perry, Stedman.

Yes, 133; No, 11; Absent, 7; Excused, 0.

133 having voted in the affirmative and 11 voted in the negative, with 7 being absent, and accordingly Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-274)** on Bill "An Act To Promote Sound Science in Climate Change Policy"

(H.P. 68) (L.D. 72)

Signed:

Senators:

COWGER of Kennebec

SNOWE-MELLO of Androscoggin

Representatives:

THOMPSON of China

ANNIS of Dover-Foxcroft

EBERLE of South Portland

DAIGLE of Arundel

SAVIELLO of Wilton

DUCHESNE of Hudson

ROSEN of Bucksport

KOFFMAN of Bar Harbor

JOY of Crystal

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

Signed:

Representative:

TWOMEY of Biddeford

READ.

On motion of Representative KOFFMAN of Bar Harbor, the Majority **Ought to Pass as Amended** Report was **ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-274)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Tuesday, May 10, 2005.

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

Joint Resolution Recognizing May as Maine Is Working Month
(S.P. 599)

Which was **TABLED** by Representative CUMMINGS of Portland, pending **ADOPTION.**

On motion of Representative THOMAS of Ripley, **TABLED** pending **ADOPTION** and later today assigned.

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

HOUSE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (H-257)** - Minority (4) **Ought Not to Pass** - Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** Bill "An Act To License Home Building and Improvement Contractors"

(H.P. 903) (L.D. 1306)

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

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

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would draw people's attention to the Majority Report, which is an amendment that replaces the bill. The title talks about licensing of building contractors that is not the case in the amendment. The amendment charges the Department of Financial Regulation to work with the Attorney General and various stakeholder groups to develop a model registration process for homebuilding and improvement contractors. They will then report to the Business, Research and Economic Development Committee on February 1st of 2006. The reason for this report is frankly that it makes more sense then licensing at this time.

There are two sorts of complaints or abuses that we have heard in public hearings both this session and last session regarding contractors. First is workmanship contractor fulfillment. The other is financial abuse. There are two things that the registration process would do. There would be a source of information for consumers where there would be a list of contractors in the state who are registered with basic information about their financial history. A key point seems to have been how many times have they declared bankruptcy, as well as a history of consumer complaints. It will also be a definitive place where consumers can state their complaints and as they accumulate the AG's office has the option of pursuing action against certain contractors. This is different from licensing. This

may or may not be a step towards licensing. The idea is to collect information and have a starting point where people can at least track unbiased information about contractors that they would be interested in hiring and I would ask your support for the pending motion. Thank you.

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

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

The **SPEAKER**: The Chair recognizes the Representative from Waterboro, Representative Jacobsen.

Representative **JACOBSEN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I urge you to vote Ought Not to Pass on this bill. It will do nothing for the consumer except confuse them. The whole problem with the building industry, as it stands right now, are the consumer protection laws. The ones we have are weak. The ones we have are not being enforced. When a customer has a problem with a builder or a contractor it becomes a civil matter. People are looking for the state to take care of their problems and that is not going to happen with this bill. What we will do is discourage young people that go into the building industry not to go there because of the complications that this bill will create.

I ask you what is a contractor? Is it the excavator? Is it the person that puts in the foundation? Is it the siding contractor? The framer, the person that paints, and the person that puts down the carpet? What we are going to do is create a license that we will not be able to enforce. We won't know who has it and we still won't know who is responsible for the total job and most of all, many young people that don't go on to college and go in the trades and go into the labor market with a pick and a shovel to start out will be kept out of this industry. I urge you to vote Ought Not to Pass.

The **SPEAKER**: The Chair recognizes the Representative from Biddeford, Representative Twomey.

Representative **TWOMEY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This former bill has come before us every session and every session I stand up. I probably should have just kept the speech, but I will vote against this again trying to do the same thing I did every time that I have been here.

This hurts the small businessman. This hurts me, a widower who cannot afford to pay the full cost for people that are in the trades and when I need something done I can't always afford full price and this stops that. This hurts people like me who can't hire a local person, even though they are insured. This is just giving them more complications and more hoops to jump through and I will not be supporting this. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Falmouth, Representative Davis.

Representative **DAVIS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Probably West Falmouth is the center of the construction industry for small construction people. In my opinion this will only drive the cost up and not do any good. Many of these people are part time and they do this when they get out of high school and I don't think in anyway this will get you a better house or a better porch or a better garage. I think this is unnecessary and all you are going to do is hurt the construction industry, especially the small business construction industry. Thank you.

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

Representative **CLOUGH**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Those of us who

have been here for a couple of sessions have heard this bill a few times as Representative Twomey from Biddeford mentioned, and one of the things that we seem to have agreed on in the past is that before we move forward with registration or licensing we need a statewide building code and we haven't gotten there yet. I think this is putting the cart before the horse. Before we work to do model registration we really need to work toward having a statewide building code and then consider licensing to it.

Also, I want to remind you of those master craftsmen that you know. It might be someone in your family. There were several of them in mine over the years that were carpenters or cabinetmakers and then painters and wallpaper hangers that had a great reputation. They work by themselves. They never really have gone into business and hired a lot of help. They are the people that you really call on and you have word of mouth telling you how good they are and you call on them when you want a great job done. This tends to hurt those people because they are too small to get involved in registration and doing those things and I still think this is maybe something for the future but not for today and I urge you to vote against the pending motion. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Thomaston, Representative Rector.

Representative **RECTOR**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would urge you to listen to the Committee Chair from the BRED Committee, the House Chair who said, "Please pay attention to the amendment." I think we are confusing the amendment with the bill as it was originally proposed. The amendment calls for the Department of Professional and Financial Regulation to work in consultation with the Attorney General and the homebuilding and home improvement industry and then to report back. Appropriate stakeholders gather together, discuss the issues as they have been presented and report back to the committee.

There is no implementing legislation involved here and we had a number of complaints for people. I couldn't agree more with my good friend the Representative from Scarborough, Representative Clough that we are not prepared to put licensing in place at this time. It would be premature to be doing that. That isn't what we are suggesting here. What we are suggesting is that there is a concern on the part of good reliable contractors as well as concern on the part of the public that they had no place to get reliable data about people they might be hiring and we are trying to take a first step in gathering some reliable data that they can rely on as they hire contractors. All of that will come back to the committee in the future and we will have an opportunity then to discuss whether or not the suggestions that had been brought forth by the industry and the department are appropriate as a solution and we will have an idea what the costs are. I would suggest that all of us should accept the Majority Ought to Pass as Amended Report and support this motion. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Fort Kent, Representative Jackson.

Representative **JACKSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I couldn't echo Representative Rector's comments anymore than what he just said. I think he did a great job explaining that. I along with, I believe, five or six people who introduced this bill were mandatory cosponsors and I was lucky enough to get the lead on it. There were a lot of people that had a lot more familiarity with the issue than I did but the reason for me putting the bill in was a lot of the contractors in my area – keep in mind for the most part that these are our smaller contractors – when I brought it up to them all said that they would support that. They said that they

had a lot of issues - and this is going to be something that you will probably be hearing me say a lot in the next week or so - they all had a lot of issues with Canadian contractors coming over and they had no ability to get jobs because they were getting undercut. Then I had some people telling me that sometimes, whenever they got these Canadian contractors and they had problems with the work they had no place to go to have it resolved. These guys went back across and that is not to say that at times there wouldn't be people in my area that didn't do an excellent job or whatever, that people would have issue with, but the point being was that as a consumer they didn't have any place at all to go to have these issues resolved.

I find it kind of strange some of the comments about how this isn't the time and all that. Whenever plumbers have the licensing and electricians have licenses and loggers have licenses and here we are just talking about registering these people and sitting around and coming up with an idea that might solve some of these consumer issues and contractor issues. So, I was willing to put it in and I spoke in favor of it. A majority of the committee supported it and I think they did a good job. I know they talked about it for quite a while and came out with something that for the most part, people thought would be helpful. I hope that you will support the committee on this, a bipartisan committee vote. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Lincoln, Representative Carr.

Representative **CARR**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I wanted to just touch on a couple of things before we vote on this. One of the previous speakers mentioned that the stakeholders would be involved. The problem is that the stakeholders that would really be affected by this won't be involved because we really don't know who they are out there. They are the men and women who are laid off from bigger jobs and bigger companies and they use this as an opportunity to make a few dollars between jobs. There are many of those people who work in the mills in the area in which I reside that, when they got laid off, had a lot of trades because they worked in the mill in maintenance and other things and they were able to get by only because they had that skill. If we licensed them it would take away that opportunity. Now I know that this year doesn't deal with licensing yet, but that has been something that people have been trying to do in the eight or seven years that I have been here so this is only a step in that direction and it certainly would move us a little bit closer, but before you vote in favor of this you really should consider who the stakeholders are. The stakeholders are the men and women that use this as an opportunity to supplement their job. Thank you Mr. Speaker.

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

Representative **PILON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. To correct Representative Rector, last year we passed a statewide building code and so that is in force as of last year. Also, I am a cosponsor of this bill and the intent of the bill is to protect the consumer. My predecessor, Representative Tom Kane, had a very unfortunate experience with a contractor that he had found in a newspaper. The gentleman came out, opened up the second story of his house and did not cover the roof for two days and the house experienced some rain damage and completely damaged Representative Kane's lower level. This is the reason why we need to register and hopefully license these contractors. I see this as a very, very important step to protect consumers. This is not licensing. This a first step in protecting consumers. The code enforcement officers in the state are supportive of this

bill and I would hope that everyone would support this bill. Thank you.

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

Representative **BEAUDETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The amendment is merely an exploratory effort as previous speakers have indicated. There has been a move to try and license contractors for quite some time. Taking that into consideration, the idea here is to explore the possibility of registration and to create a database of contractors. Part of that investigation of course, is to explore the possibility of registration and to prepare a database of contractors. Part of that research is to identify what a contractor really is. Is it just a paperhanger? Is it a painter or is it the general contractor? That is what, I think, our intent is to identify. If it were to come to a registry, I don't think it would be quite as confusing as some might suggest and that it could be as simple to the consumer as they are looking to contract with a builder that they would inquire as to whether they are registered or not and if they were not registered than that should set off some bells and alarms to say maybe this is somebody they don't want contract with.

There are some that would say that this doesn't go far enough and given the environment that we are currently in it is probably not something that is feasible to go any further than that and those who are disreputable will just choose not to register and their multiple bankruptcies or their previous actions where they have received money and not performed the duties that they had contracted too would never be discovered. That is where the simplicity comes into play. If they are not registered, the consumers should just realize that this is a possible risky investment and should not contract with that particular entity and so I would urge passage of this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative Jacobson.

Representative **JACOBSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Once again, I will say that this is a consumer protection problem. In 1987, a law was written to protect the consumer against builder fraud. The fine starts out at \$100 and goes to \$1000, now isn't that a big deal for a contractor, a \$100 fine? That's where the problem lies - enforcement of existing laws - not making more things complicated and spending more of the states money and employing more people by the state. We need to enforce the laws that we have on the books.

I was in Florida during the first hurricane. I was there on one of the first planes to come in after the second hurricane last year. Florida has a builder/contractor set up down there. I don't know exactly how it works but I do know that it doesn't work. One of the biggest problems that they have had down there since the hurricane is fraud by builders, by builders that are licensed. Licensing isn't going to make a difference. Punishment will. We need to raise the fines. I urge you to vote Ought Not to Pass on this. Thank you.

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

Representative **O'BRIEN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. We are starting out with, hopefully, something that will help the people who up to this time have in fact hired builders that they thought were reputable. Builders that they thought would do the job, builders that assured them that if they paid them the money, whether it was for the supplies or paid the money for the job, that they would deliver. They have not.

Now we are not going all the way to licensing and that is why the amendment, if you will read it, you will find is the beginning step. I agree we should go all the way and get these people – and you can put whatever word you want in there for the kind of work that they've done – we have to begin from some place.

I would agree with Representative Twomey. Yes, we have seen a bill like this before, but the amendment is not what we had before. The amendment is what you have before you tonight that we are going to be voting on and as all of you would know if there is an amendment you are not voting on the bill you are voting on the amendment. The registry will let you know that someone has truly stated before the state, so people can look them up if they go to the town or the city for a permit to do work on their home. There will be a website so that they know who is registered and who is not. It is not going to guarantee, with all of your life, that they never have done anything wrong but you will be able to see who has gone through bankruptcy and who has not performed. At least it is a beginning step. Please, if we don't do it now you will see it back here. It will return and it will return with all of the horror shows that we know on people who have paid money and the drop has not been done. Again, they have paid the money. The job was not done. The amendment was the first step to try and do that so you pay the money and the job does get done.

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

Representative **KOFFMAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would be breaking faith with some of my constituents if I didn't stand. I can feel their eyes burrowing into the back of my head in Bar Harbor looking west. I want to just tell you that I had a group of business people about a year to a year and a half ago ask me to come to an 8:00am meeting at an accountant's office and I didn't know about the topic but it included the accountant's staff. It included an insurance company from our region that does a lot of insuring of workers comp insurance and builders insurance as well as contractors - established, well known and regarded contractors on the island - and they all spoke to me about serious problems we were having and they felt like the legislature should do something about licensing or registration of contractors. In particular, they were finding that they were being outbid by contractors by 25%-30% on a bid, a conservative bid, and the insurance companies were finding those bidders were canceling their workers comp insurance as soon as they won the bid.

There is an erosion of our worker's comp system as a result and they are not paying any taxes, they are paying cash under the table. That's fine if that's the way we want to run the economy, but we should not hold legitimate businesses to the law on paying taxes, paying social security and paying workers comp and insuring themselves against liabilities that may occur on people's property. You can't have a double standard here. Registration is the minimum we should do and in my regard this a small business bill. It is protecting small businesses. We could bring them in by the hundreds if they knew we were debating the legitimacy of this simple amendment.

The SPEAKER: The Chair recognizes the Representative from Waldoboro, Representative Trahan.

Representative **TRAHAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I believe that the merits of the proposal before us – the intent behind the bill – are good and that the issue the folks are trying to address is very important and our constituents across the state need some sort of protection, but I just don't see the value in this current proposal. There are so many unanswered questions within the proposal. I'll just suggest to you a few of the unanswered

questions. Is the State of Maine going to back, with it's full faith, the people that have registered within the program? What happens when one of the people in the registry do poor work? Who is going to investigate? What standards are they going to meet? Who is going to define what a contractor is? There are so many things to be answered, how much will this cost? Is it in conflict with the Better Business Bureau?

There are so many unanswered questions, but I think that the folks that are trying to do this are right in trying to address it however, I think that someone just needs to come forward with guts enough to say that this is the legislation and we are going to define it this way and come out with a proposal that has merit to it. I just don't see any substance in the proposal without having to pacify those people that are going to be the victims of shoddy work.

Just recently my wife and I decided we were going to have our roof shingled and I thought, "Well, I'll just go out and start asking for contractors to give me estimates." What I found was that when I started asking around, these folks have reputations. Some of them are really good and some of them are really bad, but for my wife and I the best tool at our disposal was the word of mouth.

I called my neighbors and friends and found out that there was a very good, reputable contractor. I had to pay a little extra, but I got somebody I could trust and I feel really confident in that. I think what we need to do is some in depth work to create some standards on what we expect from these contractors. We need to find some definitions of, say, a person who does siding, we need to find some criteria that that person needs to meet and when they do shoddy work that there be some enforcement to go out and track them down, cite them, take them to court and fine them and find a way to bring retribution to those people who are victims. I fully support what you folks are trying to do, but as somebody who has done this kind of work and who is a contractor I don't see this as the answer.

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

Representative **HAMPER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have been involved in the building industry for 32 years, 31 years in this state. I have been working for a reputable contractor for the past 26 years. We enjoy a very good reputation and I have been the right hand in that business since its inception. This bill creating a registry will not change business ethics and that is what we are dealing with here. We are talking about shoddy workmanship; we are talking about ethics and business practice. You shop around; you find somebody that has a good reputation, somebody you can trust. Ethics and registration of contractors will not change their business ethics. Thank you very much for your time.

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

Representative **GROSE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I live and breathe this. My husband is a builder. He has been a builder for over 32 years. He has a good reputation. It's tough being a contractor or a builder. Whatever you want to label it. Last session I really wanted to get the licensing in for contractors. I went to all the contractors in my area because I have five areas. They all were 100% wanting to get licensing for them. It's not fair to have your plumbers, your electricians, have to be licensed. I have a case of a constituent who should be on 60 minutes because of a contractor who has ripped this man off, has taken his savings – he's elderly – there is no need of it. We need something right

now that is going to take care of this situation and not just keep passing it on to study here or study there. It is about time we do something and maybe we will be back at this next session and I will be one of the first people to bring this up to get them licensed. Thank you.

The SPEAKER: The Chair recognizes the Representative from Wiscasset, Representative Rines.

Representative RINES: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. During the '80s I built homes, some big, some small, but as a legislator I make so much money that I can go home and relax. I have actually built a couple of bathrooms, a couple of offices, a few decks. No big jobs just, small jobs. Representative Twomey is right. This is going to cost money. There are problems out there but I don't think this is the way to fix it. There are independents out there. There are small guys that do the odds and end jobs that the bigger guys do. They don't want to deal with licensing; they are not that big. I don't think this is the right way to go, whether we are talking about the original bill or we are talking about the amendment. I think it is a bad approach. Thank you Mr. Speaker.

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

ROLL CALL NO. 114

YEA - Adams, Annis, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Cain, Canavan, Craven, Cummings, Duchesne, Dudley, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Fischer, Fisher, Gerzofsky, Glynn, Goldman, Grose, Harlow, Hogan, Hotham, Hutton, Jackson, Jodrey, Koffman, Lerman, Makas, Marley, Marraché, McCormick, Merrill, Miller, Muse, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Pilon, Pineau, Pingree, Piotti, Rector, Robinson, Saviello, Schatz, Smith N, Sykes, Thompson, Tuttle, Valentino, Walcott, Watson, Webster, Woodbury, Mr. Speaker.

NAY - Ash, Austin, Bierman, Bishop, Bowen, Bowles, Brown R, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clark, Clough, Collins, Cressey, Crosby, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Dugay, Duprey, Edgecomb, Emery, Fitts, Fletcher, Flood, Hall, Hamper, Hanley B, Jacobsen, Jennings, Joy, Lansley, Lewin, Lindell, Lundeen, Marean, Mazurek, McFadden, McKane, McKenney, McLeod, Millett, Mills, Moody, Moore G, Moulton, Nass, Nutting, Ott, Pinkham, Plummer, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Rosen, Sampson, Seavey, Sherman, Shields, Smith W, Tardy, Thomas, Trahan, Twomey, Vaughan, Wheeler.

ABSENT - Berube, Burns, Finch, Greeley, Hanley S, Kaelin, Perry, Stedman.

Yes, 68; No, 75; Absent, 8; Excused, 0.

68 having voted in the affirmative and 75 voted in the negative, with 8 being absent, and accordingly the Majority Ought to Pass as Amended Report was **NOT ACCEPTED**.

Subsequently, the Minority Ought Not to Pass Report was **ACCEPTED** and sent for concurrence.

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

HOUSE REPORT - Ought to Pass as Amended by Committee Amendment "A" (H-260) - Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Resolve, Directing the Department of Administrative and Financial

Services, Bureau of the Budget To Review Unfunded Mandates (EMERGENCY)

(H.P. 955) (L.D. 1369)

Which was TABLED by Representative BRANNIGAN of Portland pending ACCEPTANCE of the Ought to Pass as Amended Report.

Subsequently, the Unanimous Committee Report was ACCEPTED. The Resolve was READ ONCE. Committee Amendment "A" (H-260) was READ by the Clerk.

Representative FISCHER of Presque Isle PRESENTED House Amendment "A" (H-286) to Committee Amendment "A" (H-260), which was READ by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Fischer.

Representative FISCHER: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This is truly one of those times that I did not intend to speak. I thought someone else would explain the amendment but apparently not. This amendment simply changes the organization that is doing the review here of the unfunded mandates. We have had a discussion on the Appropriations Committee trying to find a home for this and we decided on the State Planning Office. Obviously, we did it unanimously and after the fact a member came to some of the members and said that they would prefer to have it in another place, which is the Intergovernmental Advisory Group chaired by the good Representative from Gorham, Representative Barstow, and everyone seems in agreement as far as I know, at last check. This would be a fine place to do this study, so I encourage you to support the amendment. Thank you Mr. Speaker.

Subsequently, House Amendment "A" (H-286) to Committee Amendment "A" (H-260) was ADOPTED.

Committee Amendment "A" (H-260) as Amended by House Amendment "A" (H-286) thereto was ADOPTED. The Bill was assigned for SECOND READING Tuesday, May 10, 2005.

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

On motion of Representative CLARK of Millinocket, the House adjourned at 7:25 p.m., until 9:00 a.m., Tuesday, May 10, 2005 in honor and lasting tribute to John J. Brunette, of Millinocket.