

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
16th Legislative Day
Monday, May 16, 2005

The Speaker resumed the Chair.
The House met according to adjournment and was called to order by the Speaker.
Prayer by Father Adam Metropoulos, St. George's Greek Orthodox Church, Bangor.
National Anthem by Mt. Blue Voices, Mt. Blue High School, Farmington.
Pledge of Allegiance.
Doctor of the day, Christopher Stenberg, M.D., Cape Elizabeth.
The Journal of Thursday, May 12, 2005 was read and approved.

SENATE PAPERS
Non-Concurrent Matter

RESOLUTION, To Amend the Constitution of Maine To Change the Number of Senators to 2 from Each County
(H.P. 325) (L.D. 440)

Minority (5) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ and ACCEPTED** and the RESOLUTION **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-151)** in the House on May 9, 2005.

Came from the Senate with the Majority (8) **OUGHT NOT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ and ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

COMMUNICATIONS

The Following Communication: (H.C. 219)

STATE OF MAINE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

May 10, 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 Appropriations and Financial Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 35 An Act To Authorize a General Fund Bond Issue in the Amount of \$75,000,000 for the Land for Maine's Future Fund
- L.D. 392 An Act To Authorize a General Fund Bond Issue To Purchase a Train for Passenger Rail Service
- L.D. 411 An Act To Authorize a General Fund Bond Issue in the Amount of \$1,000,000 To Support Construction of a "Curtis Class" Vessel for the Maine State Ferry Service
- L.D. 639 An Act To Authorize a General Fund Bond Issue To Rebuild the Historic Pier at Fort Preble

- L.D. 683 An Act To Authorize a General Fund Bond Issue To Clean Up Chemicals in Public Schools
- L.D. 754 An Act To Issue a General Fund Bond Issue for the Challenger Learning Center of Maine
- L.D. 757 An Act To Authorize a General Fund Bond Issue To Promote Affordable Workforce Housing
- L.D. 786 An Act To Authorize a General Fund Bond Issue for Maine Resident College Graduates Employed in Maine
- L.D. 800 An Act To Authorize a General Fund Bond Issue for the Land for Maine's Future Program
- L.D. 805 An Act To Authorize a General Fund Bond Issue To Finance the Acquisition of Land and Interest in Land for Conservation, Water Access, Outdoor Recreation, Wilderness and Fish Habitat
- L.D. 806 An Act To Authorize a General Fund Bond Issue To Encourage Rural High-speed Internet Access
- L.D. 907 An Act Authorizing a General Fund Bond Issue To Improve Community Support Services for Persons with Mental Illness

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

Sincerely,
S/Sen. Margaret Rotundo
Senate Chair
S/Rep. Joseph C. Brannigan
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 220)

STATE OF MAINE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY
May 9, 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 Criminal Justice and Public Safety has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 29 An Act To Provide Justice to Those Found Not Guilty Due to Mental Disease or Defect and Decrease Costs to the State
 - L.D. 646 An Act To Allow a Vehicle To Be Confiscated When the Driver Has Multiple Violations of the Operating under the Influence Laws
 - L.D. 1439 An Act To Increase the Penalties for Cemetery Damage
 - L.D. 1447 An Act To Increase Civil and Criminal Penalties for Animal Cruelty
 - L.D. 1516 An Act To Eliminate the 3-step Sentencing Procedure Relating to the Imposition of Sentencing Alternatives That Include Imprisonment
 - L.D. 1521 An Act To Clarify Law Enforcement Procedures For Fatal Motor Vehicle Accidents
 - L.D. 1579 An Act To Extend the Ban on Assault Weapons
- We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,
S/Sen. Bill Diamond
Senate Chair
S/Rep. Patricia A. Blanchette
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 221)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

May 9, 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 Education and Cultural Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1407 An Act To Allow Municipalities To Offer Subsidies to Parents To Send Their Children to Other Schools

L.D. 1543 An Act To Facilitate Summer Youth Employment

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

Sincerely,
S/Sen. Elizabeth H. Mitchell
Senate Chair
S/Rep. Jacqueline Norton
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 222)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

May 5, 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 Inland Fisheries and Wildlife has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 48 An Act To Ensure the Safe and Timely Retrieval of Wounded Bear

L.D. 137 An Act To Prohibit a Landowner from Charging a Fee for Bear Baiting

L.D. 314 An Act To Prohibit Bear Baiting

L.D. 364 An Act To Prohibit Personal Watercraft on Rocky Pond in the Town of Orland

L.D. 427 An Act To Increase the Maximum Number of Days of the Muzzle-loading Hunting Season

L.D. 516 An Act To Prohibit Bear Baiting within 100 Yards of an Adjoining Property

L.D. 628 An Act To Amend the Bear Hunting Laws

L.D. 1093 An Act To Promote Public Safety by Banning the Feeding of Bears in the Wild

L.D. 1153 An Act To Establish a Muzzle-loading Shotgun Season on Deer

L.D. 1176 An Act Regarding Duties of Hunters Who Participate in the Expanded Archery Deer Hunting Season

L.D. 1319 An Act To Ban the Use of Traps and Dogs in Bear Hunting

L.D. 1460 An Act To Ban Bear Hunting with Traps except To Protect the Public

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

Sincerely,
S/Sen. Bruce Bryant
Senate Chair
S/Rep. Thomas R. Watson
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 223)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON JUDICIARY**

May 9, 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 Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 256 An Act To Ensure Compliance with Court-ordered Child Support

L.D. 483 An Act To Facilitate Real Estate Ownership

L.D. 771 An Act To Protect Consumers' Use of Gift Cards

L.D. 772 An Act To Prohibit the Placement of Expiration Dates on Gift Cards

L.D. 948 An Act To Shelter IRAs from the Bankruptcy Law

L.D. 974 An Act To Amend the Guidelines Used To Determine Child Support Payments

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

Sincerely,
S/Sen. Barry J. Hobbins
Senate Chair
S/Rep. Deborah Pelletier-Simpson
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 224)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON NATURAL RESOURCES**

May 9, 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 Natural Resources has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 582 An Act To Change the Effect of Local Ordinances on the State

L.D. 880 An Act To Prohibit Municipal Landfill Dumping

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

Sincerely,

S/Sen. Scott W. Cowger

Senate Chair

S/Rep. Theodore Koffman

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 225)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

May 9, 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 State and Local Government has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 455 An Act To Create a Paperless Legislature and Encourage More Working-income Legislators by Allocating Savings Resulting from a Reduction in the Size of the Legislature

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

Sincerely,

S/Sen. Elizabeth M. Schneider

Senate Chair

S/Rep. Christopher R. Barstow

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 226)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

May 10, 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 State and Local Government has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 68 An Act To Eliminate Daylight Saving Time

L.D. 1105 An Act To Impose Liability for the Illegal Withholding or Transfer of Public Funds or Property

L.D. 1491 An Act Requiring a Municipality To Provide Proof of Ownership before Selling Acquired Property

L.D. 1536 An Act To Reduce Property Taxes by Reforming County Government

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

Sincerely,

S/Sen. Elizabeth M. Schneider

Senate Chair

S/Rep. Christopher R. Barstow

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 279)

MAINE SENATE

122ND LEGISLATURE

OFFICE OF THE SECRETARY

May 11, 2005

Honorable Millicent M. MacFarland

Clerk of the House

State House Station 2

Augusta, ME 04333

Dear Clerk MacFarland:

Please be advised the Senate today adhered to its previous action whereby it accepted Report "B" Ought Not to Pass from the Committee on Inland Fisheries and Wildlife on Bill "An Act To Require the Use of Reflective Material on Ice Fishing Shacks" (HP 575 LD 810) .

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 292)

MAINE SENATE

122ND LEGISLATURE

OFFICE OF THE SECRETARY

May 12, 2005

Honorable Millicent M. MacFarland

Clerk of the House

State House Station 2

Augusta, ME 04333

Dear Clerk MacFarland:

Please be advised the Senate today adhered to its previous action whereby it accepted the Majority Ought Not to Pass Report from the Committee on State and Local Government on Bill "An Act To Clarify State Auditor Qualifications"(HP 512 LD 717) .

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

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

(H.P. 1182) (L.D. 1674)

Sponsored by Representative PINEAU of Jay. (GOVERNOR'S BILL)

Cosponsored by Senator BRYANT of Oxford and Representative: JOY of Crystal, Senators: DAVIS of Piscataquis, RAYE of Washington.

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

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

Sent for concurrence.

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

ORDERS

On motion of Representative MAZUREK of Rockland, the following Joint Resolution: (H.P. 1183) (Cosponsored by Representatives: BLANCHARD of Old Town, BROWNE of Vassalboro, COLLINS of Wells, FISHER of Brewer, HOGAN of Old Orchard Beach, MARLEY of Portland, PARADIS of Frenchville, Senator: SAVAGE of Knox) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO ALLOW POLAND'S CITIZENS TO TRAVEL TO THE UNITED STATES WITHOUT VISAS

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

WHEREAS, the visa waiver program was established under 8 United States Code, Section 1187 to provide under certain conditions a visa waiver to citizens of certain countries; and

WHEREAS, 8 Code of Federal Regulations, Section 217.2 (2005) delineates the specific requirements of the visa waiver program, including the list of countries whose citizens may take advantage of its provisions; and

WHEREAS, the list of countries allowed to have the visa requirement waived includes Andorra, Australia, Austria, Belgium, Brunei, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, the Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovenia, Spain, Sweden, Switzerland and the United Kingdom; and

WHEREAS, citizens from Poland are still required to go through the visa process, despite the change in circumstances of that nation during the last 15 years and its being a staunch ally of the United States; and

WHEREAS, since the breakup of the Soviet Union, Poland has been a free and democratic nation and is a member of the North Atlantic Treaty Organization, known as NATO, and is an indispensable ally to our own Nation, actively participating in Operation Iraqi Freedom and the Iraqi reconstruction with troops serving alongside American soldiers; and

WHEREAS, the President of the United States, George W. Bush, and other high-ranking officials in our government have described Poland as one of our best allies; and

WHEREAS, many Polish citizens wanting to visit the United States are relatives of American citizens and they face major impediments in the visa process, while Americans going to Poland have had the visa requirement waived for them since 1991; and

WHEREAS, in view of the enormous strides that Poland has made in democratic reform and the new status of Poland as a major ally of the United States, as firm and staunch as our oldest allies who have had the visa requirement waived; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge that Poland be included in the United States Department of Homeland Security's visa waiver program as codified in 8 Code of Federal Regulations, Section 217.2; and be it further

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

READ.

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

Representative **MAZUREK:** Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a Joint Resolution asking the President of the United States and Congress to allow Polish citizens to travel into the United States without a visa. This is a show of respect for Poland, which, since World War II has been a very strong ally of the United States. It has been a member of N.A.T.O. and is a great democratic idealist of the world.

Today we have some 10 million Polish Americans living in the United States with some 25,000 living here in Maine. Poland has been a friend and an ally and I hope that this goes a long way in allowing the president to make the recognition. Thank you.

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

Sent for concurrence.

**REPORTS OF COMMITTEE
Change of Committee**

Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Sustain and Strengthen Community Health Coalitions"

(S.P. 596) (L.D. 1614)

Reporting that it be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

Representative PERCY from the Committee on **MARINE RESOURCES** on Bill "An Act To Authorize the Assessment and Collection of Harbor Fees"

(H.P. 1153) (L.D. 1635)

Reporting that it be **REFERRED** to the Committee on **TAXATION**.

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

Sent for concurrence.

Divided Report

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-140)** on Bill "An Act To Establish the Homeland Security Relief Fund"

(S.P. 387) (L.D. 1125)

Signed:

Senators:

ROTUNDO of Androscoggin

MARTIN of Aroostook

Representatives:

BRANNIGAN of Portland

DUDLEY of Portland

CRAVEN of Lewiston

FISCHER of Presque Isle

LERMAN of Augusta

MILLS of Farmington

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

Signed:

Senator:

NASS of York

Representatives:

MILLETT of Waterford

NUTTING of Oakland

BOWEN of Rockport

CURLEY of Scarborough

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-140)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-140)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 17, 2005.

Majority Report of the Committee on **LABOR** reporting **Ought Not to Pass** on Bill "An Act To Ensure Equity in Appeals of Workers' Compensation Cases"

(S.P. 287) (L.D. 879)

Signed:

Senators:

STRIMLING of Cumberland

BARTLETT of Cumberland

Representatives:

SMITH of Van Buren

DRISCOLL of Westbrook

JACKSON of Fort Kent

HUTTON of Bowdoinham

TUTTLE of Sanford

CLARK of Millinocket

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-92)** on same Bill.

Signed:

Senator:

SNOWE-MELLO of Androscoggin

Representatives:

HALL of Holden

DUPREY of Hampden

CRESSEY of Cornish

HAMPER of Oxford

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

READ.

Representative TUTTLE of Sanford moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-151)** on Bill "An Act To Exempt Maine Agricultural Fairs from the Requirements of the Site Location of Development Laws"

(S.P. 203) (L.D. 648)

Signed:

Senators:

COWGER of Kennebec

MARTIN of Aroostook

SNOWE-MELLO of Androscoggin

Representatives:

KOFFMAN of Bar Harbor

JOY of Crystal

THOMPSON of China

ANNIS of Dover-Foxcroft

EBERLE of South Portland

DAIGLE of Arundel

SAVIELLO of Wilton

DUCHESNE of Hudson

ROSEN of Bucksport

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-152)** on same Bill.

Signed:

Representative:

TWOMEY of Biddeford

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-151)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-151)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 17, 2005.

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-162)** on Bill "An Act Directing the State Planning Office To Study Municipal Capabilities To Become Providers of Internet Services"

(S.P. 392) (L.D. 1128)

Signed:

Senators:

BARTLETT of Cumberland
COWGER of Kennebec

Representatives:

BLISS of South Portland
BABBIDGE of Kennebunk
CURTIS of Madison
BRAUTIGAM of Falmouth
FLETCHER of Winslow
ADAMS of Portland
RICHARDSON of Skowhegan
McLEOD of Lee

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

Signed:

Senator:

WESTON of Waldo

Representatives:

FITTS of Pittsfield
RINES of Wiscasset

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-162)**.

READ.

On motion of Representative BLISS of South Portland, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. Committee Amendment "A" (S-162) was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 17, 2005.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-334)** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Popular Election of the Constitutional Officers and the State Auditor

(H.P. 940) (L.D. 1357)

Signed:

Senator:

ANDREWS of York

Representatives:

McFADDEN of Dennysville
MOULTON of York
BISHOP of Boothbay
CROSTHWAITE of Ellsworth
SAMPSON of Auburn
MUSE of Fryeburg

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

Signed:

Senators:

SCHNEIDER of Penobscot
ROTUNDO of Androscoggin

Representatives:

BARSTOW of Gorham
HARLOW of Portland

BLANCHARD of Old Town

SCHATZ of Blue Hill

READ.

On motion of Representative SAMPSON of Auburn, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

CONSENT CALENDAR

First Day

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

(S.P. 538) (L.D. 1551) Bill "An Act To Make Technical Amendments to the Maine Uniform Trust Code" (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass**

(S.P. 12) (L.D. 13) Bill "An Act To Support Maine Sawmills and Lumberyards" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-166)**

(S.P. 144) (L.D. 446) Bill "An Act To Mandate Payment of Certified Deaf Interpreters for Driver Education Students" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-168)**

(S.P. 313) (L.D. 905) Bill "An Act To Modernize the Inkeeping Statutes" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-160)**

(S.P. 350) (L.D. 1010) Bill "An Act To Modify the Transition Provision for Renewal of Social Worker Licenses" (EMERGENCY) Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-161)**

(S.P. 464) (L.D. 1337) Bill "An Act To Enhance the Safety of Fire and Emergency Medical Service Personnel" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-167)**

(S.P. 530) (L.D. 1528) Bill "An Act To Create a Graduate School of Biomedical Sciences at the University of Maine" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-165)**

(H.P. 30) (L.D. 27) Bill "An Act To Require That Licensed Pastoral Counselors Be Recognized as Licensed Professionals for Purposes of Insurance Reimbursement" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass**

(H.P. 31) (L.D. 28) Bill "An Act To Require That Mental Health Workers with Family Therapist Licenses Be Recognized as Licensed Professionals for Purposes of Insurance Reimbursement" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass**

(H.P. 441) (L.D. 608) Bill "An Act To Assist Municipal Implementation and Enforcement of Storm Water Management Programs" Committee on **NATURAL RESOURCES** reporting **Ought to Pass**

(H.P. 723) (L.D. 1070) Bill "An Act To Amend the Law Regarding State Milk Payments" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass**

(H.P. 966) (L.D. 1389) Resolve, Regarding Legislative Review of Chapter 100: Enforcement Procedures, a Major Substantive Rule of the Maine Health Data Organization (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 1119) (L.D. 1583) Resolve, Directing the Department of Transportation To Strengthen Guardrails on Old County Road in Rockland and Thomaston Committee on **TRANSPORTATION** reporting **Ought to Pass**

(H.P. 1137) (L.D. 1610) Resolve, Regarding Legislative Review of Portions of Chapter 306: Uniform Information Disclosure and Informational Filing Requirements, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass**

(H.P. 19) (L.D. 16) Bill "An Act To Amend the Certificate of Need Process" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-344)**

(H.P. 56) (L.D. 60) Resolve, To Require the Department of Health and Human Services To Adopt Rules Regarding Accrual of Cost Savings (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-357)**

(H.P. 66) (L.D. 70) Bill "An Act To Amend the Laws Governing the Funding of State Special Elections" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-354)**

(H.P. 105) (L.D. 129) Bill "An Act To Establish the Unused Prescription Drug Program" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-347)**

(H.P. 272) (L.D. 359) Bill "An Act To Change the Child Care Facility Licensing Laws" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-346)**

(H.P. 284) (L.D. 382) Resolve, To Require the Department of Health and Human Services To Amend Rules Regarding Licensing of Intermediate Care Facilities for Mental Retardation Nursing (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-342)**

(H.P. 355) (L.D. 480) Bill "An Act To Reduce Costs Caused by New Procedure Changes for Health Care Providers" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-341)**

(H.P. 380) (L.D. 505) Bill "An Act Relating to the Northern New England Passenger Rail Authority" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-362)**

(H.P. 408) (L.D. 553) Bill "An Act To Regulate the Display of Tobacco Products" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-343)**

(H.P. 448) (L.D. 615) Bill "An Act Regarding New Motor Vehicle Emission Standards Rulemaking" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-337)**

(H.P. 463) (L.D. 630) Bill "An Act Regarding Possession of Prescription Drugs" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-358)**

(H.P. 487) (L.D. 667) Resolve, Regarding Nonnative Invasive Marine Species Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-360)**

(H.P. 518) (L.D. 723) Bill "An Act To Amend Laws Pertaining to Commercial Fishing and Baitfish" Committee on **INLAND**

FISHERIES AND WILDLIFE reporting **Ought to Pass as Amended by Committee Amendment "A" (H-352)**

(H.P. 520) (L.D. 725) Bill "An Act To Require the Disclosure of Certain Financial Information from Hospitals and Their Affiliates" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-339)**

(H.P. 546) (L.D. 769) Resolve, To Examine Smoking Prevention and Cessation Programs for Maine's Youth Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-345)**

(H.P. 588) (L.D. 829) Resolve, To Raise a Monument for Women Veterans of Maine Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-353)**

(H.P. 635) (L.D. 916) Bill "An Act To Amend the Workers' Compensation Medical Fee Schedule To Include Hospital Charges" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-338)**

(H.P. 977) (L.D. 1413) Bill "An Act To Conform the Remedies under the Maine Family Medical Leave Requirements with Those Available under Federal Law" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-348)**

(H.P. 1017) (L.D. 1452) Resolve, Promoting the Consumption of Maine Farm Products at the State House Complex Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-340)**

(H.P. 1028) (L.D. 1465) Resolve, Regarding Legislative Review of Portions of Chapter 127: New Motor Vehicle Emission Standards, a Major Substantive Rule of the Bureau of Air Quality (EMERGENCY) Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-361)**

(H.P. 1034) (L.D. 1471) Bill "An Act To Update the Membership of Certain Professional Licensing Boards" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-356)**

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

There being no objection, 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** or **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

BILLS IN THE SECOND READING
Senate as Amended

Bill "An Act Relating to Unlawful Housing Discrimination" (S.P. 99) (L.D. 321) (C. "A" S-136)

Bill "An Act To Require the Department of Agriculture, Food and Rural Resources Accurately Identify Harmful and Nonharmful Bacteria When Testing Food Products" (S.P. 209) (L.D. 654) (C. "A" S-142)

Bill "An Act To Recognize and Protect the Native Eastern Brook Trout as Maine's Heritage Fish" (S.P. 395) (L.D. 1131) (C. "A" S-143)

Bill "An Act To Amend the Law on Junkyards, Automobile Graveyards and Automobile Recycling Businesses"

(S.P. 448) (L.D. 1268)
(C. "A" S-156; S. "A" S-163)

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

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

Bill "An Act To Protect Young Drivers"

(S.P. 393) (L.D. 1129)
(C. "A" S-144)

Was reported by the Committee on **Bills in the Second Reading** and **READ** the second time.

On motion of Representative COLLINS of Wells, was **SET ASIDE**.

The **SPEAKER**: The Chair recognizes the Representative from Wells, Representative Collins.

Representative **COLLINS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Last week we had a roll call on this LD and since then there has been an amendment put to it - Senate amendment 144.

I think what this does is that it just magnifies the unfairness of LD 1129 and now - with the attachment of Senate Amendment 144 - clearly discriminates against young drivers. There has been no significant data about young drivers with radar detectors in their vehicles that are having an increased amount of accidents as a result of speeding, in some cases fatalities. There is no specific data from the State Police to substantiate that this is a growing problem here in the State of Maine.

A hypothetical Situation: If this law passes a young driver is pulled over for some motor vehicle infraction and the police officer notices a radar detector on the dash or somewhere in the vehicle. The young driver will be sighted for the traffic infraction and also for possessing or having in the motor vehicle a radar detector. In addition to that, what happens to the radar detector? Does the police officer confiscate the radar detector? I would think that he probably would. That may be somebody else's property. That young driver may be driving someone else's vehicle and that may be someone else's property, that radar detector.

I just think this is a dangerous precedent to be setting and I would urge members of this body to vote this down. Furthermore, Mr. Speaker, I would like to make a motion to Indefinitely Postpone LD 1129 and all its accompanying papers including Senate Amendment 144. May I request a roll call as well Mr. Speaker?

The same Representative moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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

Representative **DUPLESSIE** of Westbrook **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

ROLL CALL NO. 131

YEA - Ash, Austin, Bierman, Bishop, Bowles, Brown R, Browne W, Campbell, Carr, Cebra, Churchill, Clark, Clough, Collins, Cressey, Crosby, Crosthwaite, Curley, Curtis, Davis G, Davis K, Eder, Edgecomb, Emery, Fitts, Fletcher, Flood, Glynn, Goldman, Hall, Hamper, Hanley B, Hotham, Jacobsen, Jennings, Kaelin, Lewin, Lindell, Marean, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Moore G, Moulton, Muse, Nass, Nutting, Pinkham, Rector, Richardson E, Richardson M, Richardson W, Rosen, Seavey, Sherman, Shields, Sykes, Tardy, Trahan, Twomey, Vaughan.

NAY - Adams, Annis, Babbidge, Beaudette, Blanchard, Blanchette, Bliss, Bowen, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Craven, Cummings, Daigle, Driscoll, Duchesne, Duplessie, Duprey, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Greeley, Grose, Hanley S, Harlow, Hogan, Hutton, Jackson, Jodrey, Koffman, Lerman, Makas, Marraché, Mazurek, Miller, Millett, Mills, Moody, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Richardson D, Robinson, Sampson, Saviello, Schatz, Smith N, Thompson, Tuttle, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

ABSENT - Barstow, Berube, Bryant-Deschenes, Dudley, Dugay, Dunn, Joy, Lansley, Lundeen, Marley, Ott, Plummer, Rines, Smith W, Stedman, Thomas.

Yes, 64; No, 71; Absent, 16; Excused, 0.

64 having voted in the affirmative and 71 voted in the negative, with 16 being absent, and accordingly the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers **FAILED**.

Subsequently, the Senate Papers was **PASSED TO BE ENGROSSED AS AMENDED** in concurrence. **ORDERED SENT FORTHWITH**.

ENACTORS

Emergency Measure

An Act To Authorize Certain Campers To Self-administer Emergency Medication

(H.P. 48) (L.D. 52)
(C. "A" H-237)

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.

Emergency Measure

An Act To Prohibit Firearms in a Courthouse

(H.P. 117) (L.D. 166)
(C. "A" H-217)

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

Representative **DUPLESSIE** of Westbrook **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.

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

ROLL CALL NO. 132

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

NAY - Bierman, Bishop, Kaelin, Lindell.

ABSENT - Barstow, Berube, Bryant-Deschenes, Dudley, Dugay, Dunn, Joy, Lansley, Lundeen, Marley, McFadden, Ott, Patrick, Plummer, Rines, Smith W, Stedman, Thomas, Vaughan.

Yes, 128; No, 4; Absent, 19; Excused, 0.

128 having voted in the affirmative and 4 voted in the negative, with 19 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

Emergency Measure

An Act To Allow Certain Unregistered All-terrain Vehicles To Participate in Special Events in the State

(H.P. 316) (L.D. 431)
(C. "A" H-224)

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.**

Emergency Measure

An Act To Reestablish the Ban on Dragging in the Taunton River Area

(S.P. 185) (L.D. 576)
(S. "A" S-109 to C. "A" S-94)

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

Emergency Measure

An Act To Amend the Charter of the Portland Public Library

(S.P. 187) (L.D. 578)
(C. "A" S-104)

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. 108 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.**

Emergency Measure

An Act To Streamline Sewer District Borrowing and Amend Laws Governing Water District Borrowing To Ensure Consistency

(H.P. 615) (L.D. 864)
(C. "A" H-184)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

Emergency Measure

An Act To Ensure Equity in Funding

(H.P. 619) (L.D. 868)
(C. "A" H-198)

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. 105 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.**

Emergency Measure

An Act To Revise the Charter of the Kennebunk Sewer District

(H.P. 692) (L.D. 982)
(C. "A" H-183)

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. 113 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.**

Emergency Measure

An Act To Sustain Maine Schools and Libraries

(S.P. 439) (L.D. 1259)
(C. "A" S-116)

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

Representative CLARK of Millinocket **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.

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

Emergency Measure

An Act Regarding the Unused Pharmaceutical Disposal Program

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

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

On motion of Representative PINGREE of North Haven **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

Emergency Measure

Resolve, Regarding Legislative Review of Chapter 11: Registration, Collection and Dissemination of Prescription Data Relating to Schedule II, III and IV Drugs, a Major Substantive Rule of the Department of Health and Human Services, Office of Substance Abuse

(H.P. 14) (L.D. 9)

(C. "A" H-236)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, To Review Rules for Organ and Tissue Donation

(H.P. 51) (L.D. 55)

(C. "A" H-238)

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

On motion of Representative DUPLESSIE of Westbrook **TABLED** pending **FINAL PASSAGE** and later today assigned.

Emergency Measure

Resolve, To Establish the Study Commission Regarding Liveable Wages

(H.P. 854) (L.D. 1236)

(C. "A" H-232)

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

On motion of Representative DUPLESSIE of Westbrook **TABLED** pending **FINAL PASSAGE** and later today assigned.

Emergency Mandate

An Act To Reestablish the Penobscot County Budget Committee

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

(C. "A" H-126; H. "A" H-280)

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

On motion of Representative DUPLESSIE of Westbrook **TABLED** pending **FINAL PASSAGE** and later today assigned.

Acts

An Act To Appropriate State Funds To Protect Potato Farmland in Aroostook County from Blight and Other Diseases That Could Occur with the 2004 Crop Unless Cull Potatoes Are Dumped Properly

(H.P. 131) (L.D. 180)

(C. "A" H-206)

An Act To Allow Emergency Responders To Equip Their Vehicles with 2 Emergency Flashing Lights

(H.P. 182) (L.D. 243)

(C. "A" H-220)

An Act To Promote Energy Conservation and a Cleaner Environment

(S.P. 95) (L.D. 275)

(C. "A" S-101)

An Act To Assist Persons with Pulmonary Disabilities

(H.P. 418) (L.D. 563)

(C. "A" H-181)

An Act To Amend Provisions of the Submerged Lands Laws

(S.P. 183) (L.D. 574)

(C. "A" S-96)

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

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

(C. "A" S-102)

An Act To Restore Support for HIV and AIDS Treatment and Prevention

(H.P. 421) (L.D. 588)

An Act To Make Insurance Coverage Available for Medically Necessary Breast Reduction and Symptomatic Varicose Vein Surgery

(H.P. 429) (L.D. 596)

(C. "A" H-212)

An Act To Clarify the Liquor Enforcement Laws

(H.P. 453) (L.D. 620)

(C. "A" H-179)

An Act To Amend the Procedure by Which Maine Education Assessment Scores Are Interpreted

(H.P. 457) (L.D. 624)

(C. "A" H-216)

An Act To Provide For Special Antlerless Deer Permits to Certain Disabled Hunters

(H.P. 536) (L.D. 759)

(C. "A" H-225)

An Act To Improve the Affordability of Health Insurance

(H.P. 544) (L.D. 767)

(C. "A" H-211)

An Act To Provide a Stable Source of Funding for the Safe Drinking Water Revolving Loan Fund

(H.P. 552) (L.D. 775)

(C. "A" H-228)

An Act To Establish the Maximum Height of a Dam on Phillips Lake

(S.P. 257) (L.D. 790)

(C. "A" S-117)

An Act To Provide Funding for "Camp To Belong" To Reunite Siblings Separated by Foster Care

(H.P. 573) (L.D. 808)

(C. "A" H-229)

An Act To Make Technical Changes in Laws Relating to Conservation

(H.P. 578) (L.D. 813)

(C. "A" H-200)

An Act Allowing School Unions To Improve Efficiency

(H.P. 607) (L.D. 856)

(C. "A" H-234)

An Act To Give 2 Moose Hunting Permits to Hunt of a Lifetime

(H.P. 623) (L.D. 873)

(C. "A" H-226)

- An Act To Restructure the Board of Trustees of the Maine School of Science and Mathematics (H.P. 640) (L.D. 921) (C. "A" H-188) (H.P. 178) (L.D. 239) (C. "A" H-240)
- An Act To Conform the Insurance Information and Privacy Protection Act to Federal Privacy Rules (H.P. 676) (L.D. 966) (C. "A" H-210) Resolve, Authorizing the Office of Consumer Credit Regulation To Study the Payday Advance Industry and Related Consumer Credit Lending Issues in Maine (H.P. 565) (L.D. 788) (C. "A" H-241)
- An Act To Conform Maine Employment Security Law with the Federal SUTA Dumping Prevention Act of 2004 (S.P. 335) (L.D. 995) (C. "A" S-97) Resolve, To Continue Efforts of the Department of Transportation To Balance Public Safety and Access to Land by Landowners (H.P. 580) (L.D. 821)
- An Act To Provide Funds for the Preservation of Digital Records (S.P. 360) (L.D. 1043) Resolve, To Require the Department of Environmental Protection To Undertake Phosphorus Control in Toothaker Pond in Phillips (H.P. 603) (L.D. 852) (C. "A" H-192)
- An Act To Prohibit Passing in Designated No-passing Zones (H.P. 735) (L.D. 1082) (C. "A" H-209) Resolve, To Name the New Augusta Bridge (H.P. 877) (L.D. 1280)
- An Act To Make Technical and Minor Changes in the Capitol Planning Commission (H.P. 749) (L.D. 1096) (C. "A" H-219) Resolve, To Improve the Response Time for State Employees Seeking Job Reclassifications (S.P. 458) (L.D. 1331) (C. "A" S-118)
- An Act To Designate Pay Phone Locations in the Public Interest (H.P. 754) (L.D. 1101) (C. "A" H-199) Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **FINALLY PASSED**, signed by the Speaker and sent to the Senate.
- An Act To Exempt Fire Departments from Biweekly Pay Requirements for Volunteer Firefighters (S.P. 398) (L.D. 1170) (C. "A" S-113) An Act To Enhance MaineCare Reimbursement Rates for Ambulance Services (H.P. 147) (L.D. 196) (C. "A" H-239)
- An Act To Reestablish the Maine Coast Environmental Trust Fund within the Department of Marine Resources (H.P. 852) (L.D. 1234) (C. "A" H-218) Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.
- An Act To Ensure Compliance with the Federal Americans with Disabilities Act for Court Facilities (H.P. 869) (L.D. 1272) (C. "A" H-195) On motion of Representative DUPLESSIE of Westbrook, was **SET ASIDE**.
- An Act Concerning Invasive Species and Water Quality Standards (H.P. 901) (L.D. 1304) (C. "A" H-245) The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.
- An Act To Amend the Laws Regarding Certain Employment-related Matters (H.P. 983) (L.D. 1419) (C. "A" H-233) More than one-fifth of the members present expressed a desire for a roll call which was ordered.
- An Act To Amend the Laws Governing the Rural Medical Access Program (H.P. 1035) (L.D. 1472) The same Representative moved that the Bill be **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.
- An Act To Amend the Laws Related to Health Insurance and Confidentiality of Property and Casualty Filings (S.P. 517) (L.D. 1499) Subsequently, the same Representative **WITHDREW** his motion to **TABLE** pending **PASSAGE TO BE ENACTED**.
- Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Resolves

- Resolve, Directing the Department of Health and Human Services To Adopt Rules Regarding the Licensing of New Opioid Treatment Programs (H.P. 24) (L.D. 21) (C. "A" H-235)
- Resolve, To Develop a Partnership To Prevent, Identify and Treat Eating Disorders

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. 133

YEA - Adams, Annis, Ash, Austin, Babbidge, Beaudette, Bierman, Bishop, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Cebra, Churchill, Clark, Clough, Collins, Craven, Cressey, Crosby, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Duprey, Eberle, Eder, Edgecomb, Emery, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Glynn, Goldman, Greeley, Grose, Hall, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Kaelin, Koffman, Lerman, Lewin, Lindell, Makas, Marean, Marraché, Mazurek, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Miller, Millett, Mills, Moody, Moore G, Moulton, Muse, Nass, Norton, Nutting, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Pinkham, Piotti, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Sampson, Saviello, Schatz, Seavey, Sherman, Shields, Smith N, Sykes,

Tardy, Thompson, Trahan, Tuttle, Twomey, Valentino, Vaughan, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - NONE.

ABSENT - Barstow, Berube, Bryant-Deschenes, Carr, Cummings, Dugay, Joy, Lansley, Lundeen, Marley, Ott, Plummer, Rines, Smith W, Stedman, Thomas.

Yes, 135; No, 0; Absent, 16; Excused, 0.

135 having voted in the affirmative and 0 voted in the negative, with 16 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

An Act To Distribute Revenue in the Law Enforcement Agency Reimbursement Fund to Municipalities and Counties and To Assist Law Enforcement Officers with Unmet Catastrophic Medical Needs

(S.P. 118) (L.D. 371)
(C. "A" S-110)

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

On motion of Representative SAMPSON of Auburn, was **SET ASIDE**.

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

An Act To Support the New Century Community Program

(H.P. 543) (L.D. 766)
(C. "A" H-227)

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

On motion of Representative DUPLESSIE of Westbrook, 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**: The Chair recognizes the Representative from Hodgdon, Representative Sherman.

Representative **SHERMAN**: Mr. Speaker, may I pose a question through the Chair?

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

Representative **SHERMAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted somebody to explain to me where the million dollars is going that we are about to vote on?

The **SPEAKER**: The Representative from Hodgdon, Representative Sherman has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Brannigan.

Representative **BRANNIGAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I did not hear the question so I don't know if I want to answer or not.

The **SPEAKER**: Will the Representative from Hodgdon, Representative Sherman please rephrase his question?

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

Representative **SHERMAN**: Mr. Speaker, May I pose a question through the Chair?

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

Representative **SHERMAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The question was where is the million dollars going to go that we are now voting on? What program and for what purpose?

The **SPEAKER**: The Representative from Hodgdon, Representative Sherman has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Brannigan.

Representative **BRANNIGAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This will go to support several New Century Community Programs. 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. I would only expand on the answer from Representative Brannigan from Portland in that the new century program includes a variety of cultural efforts - mostly at the local level - many libraries, museums and other arts and humanities efforts at the local level. The funding requested is \$1,000,000 in the second year and, of course, if enacted here it would end up on the Senate Appropriations Table.

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

Representative **KAELIN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will only add this; I brought this bill in this year. It was the same legislation and it was the only one funded off of the Appropriations table in the 121st, at about \$100,000. The principle reason why I have been involved in this bill is because of the very great need for historic preservation grants and cost sharing arrangements in our communities. We had a specific project in Winterport and have been associated with the library and historical societies in this bill. It's good work and like everything else there is not enough money for it, but hopefully we will get a little more than \$100,000 off of the table. I would appreciate your support this morning 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. One other note, this also requires a local match so every dollar of state money is matched by at least a dollar of local money.

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

Representative **WEBSTER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will support this bill because not only does it help with libraries and historic preservation but it is also an important part of economic development. We all know that Tourism is an important piece of our economy.

A piece of this legislation will go towards cultural access, which has to go with accessibility. Making our facilities more accessible to an aging population of people with expendable income who come to this state - and live in this state - and wish to be part of the community. Thank you Mr. Speaker.

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. 134

YEA - Adams, Annis, Ash, Austin, Babbidge, Beaudette, Bierman, Bishop, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Cebra, Churchill, Clark, Clough, Collins, Craven, Cressey, Crosby, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Duprey, Eberle, Eder, Edgecomb, Emery, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Glynn,

Goldman, Greeley, Grose, Hall, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Kaelin, Koffman, Lerman, Lewin, Lindell, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Miller, Millett, Mills, Moody, Moore G, Moulton, Muse, Nass, Norton, Nutting, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Pinkham, Piotti, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Sampson, Saviello, Schatz, Seavey, Sherman, Shields, Smith N, Sykes, Tardy, Thompson, Trahan, Tuttle, Twomey, Valentino, Vaughan, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - NONE.

ABSENT - Barstow, Berube, Bryant-Deschenes, Carr, Cummings, Dugay, Joy, Lansley, Lundeen, Ott, Plummer, Rines, Smith W, Stedman, Thomas.

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

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

An Act To Assist Families and Children by Increasing Access to the Court System

(H.P. 890) (L.D. 1293)
(C. "A" H-196)

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

On motion of Representative DUPLESSIE of Westbrook, 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. 135

YEA - Adams, Annis, Ash, Babbidge, Beaudette, Bierman, Bishop, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Cebra, Churchill, Clark, Craven, Cressey, Crosby, Crosthwaite, Curtis, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Duprey, Eberle, Edgecomb, Emery, Faircloth, Farrington, Finch, Fischer, Fitts, Fletcher, Flood, Gerzofsky, Glynn, Goldman, Greeley, Grose, Hall, Hanley B, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Kaelin, Koffman, Lerman, Lewin, Lindell, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McFadden, McKenney, McLeod, Merrill, Miller, Millett, Moody, Moore G, Moulton, Muse, Norton, Nutting, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Sampson, Schatz, Seavey, Shields, Smith N, Sykes, Tardy, Thompson, Trahan, Tuttle, Twomey, Valentino, Vaughan, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Austin, Clough, Collins, Curley, Davis K, Hamper, McKane, Nass, Pinkham, Sherman.

ABSENT - Barstow, Berube, Bryant-Deschenes, Carr, Cummings, Dugay, Eder, Fisher, Joy, Lansley, Lundeen, Mills, O'Brien, Ott, Plummer, Rines, Saviello, Smith W, Stedman, Thomas.

Yes, 121; No, 10; Absent, 20; Excused, 0.

121 having voted in the affirmative and 10 voted in the negative, with 20 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Require a Surcharge on Probate Documents

(S.P. 472) (L.D. 1374)
(C. "A" S-103)

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

On motion of Representative CLOUGH of Scarborough, 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. 136

YEA - Adams, Annis, Ash, Babbidge, Beaudette, Bishop, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Cain, Canavan, Craven, Crosby, Crosthwaite, Daigle, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hutton, Jennings, Koffman, Lerman, Makas, Marley, Marraché, Mazurek, McFadden, Merrill, Miller, Moody, Moulton, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Sampson, Saviello, Schatz, Smith N, Tardy, Thompson, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Austin, Bierman, Bowen, Bowles, Brown R, Browne W, Campbell, Cebra, Churchill, Clark, Clough, Collins, Cressey, Curley, Curtis, Davis G, Davis K, Duprey, Edgecomb, Emery, Fitts, Fletcher, Flood, Glynn, Greeley, Hall, Hamper, Hanley B, Hogan, Hotham, Jackson, Jacobsen, Jodrey, Kaelin, Lewin, Lindell, Marean, McCormick, McKane, McKenney, McLeod, Millett, Moore G, Muse, Nass, Nutting, Pinkham, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Seavey, Sherman, Shields, Sykes, Trahan, Tuttle, Twomey, Vaughan.

ABSENT - Barstow, Berube, Bryant-Deschenes, Burns, Carr, Cummings, Dugay, Fisher, Joy, Lansley, Lundeen, Mills, Ott, Plummer, Rines, Smith W, Stedman, Thomas.

Yes, 71; No, 62; Absent, 18; Excused, 0.

71 having voted in the affirmative and 62 voted in the negative, with 18 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

Resolve, To Review Rules for Organ and Tissue Donation

(H.P. 51) (L.D. 55)
(C. "A" H-238)

Which was **TABLED** by Representative DUPLESSIE of Westbrook pending **FINAL PASSAGE**.

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

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

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

Resolve, To Establish the Study Commission Regarding Liveable Wages

(H.P. 854) (L.D. 1236)
(C. "A" H-232)

Which was **TABLED** by Representative DUPLESSIE of Westbrook pending **FINAL PASSAGE**.

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

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

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

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

ROLL CALL NO. 137

YEA - Adams, Ash, Babbidge, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Campbell, Canavan, Clark, Craven, Cressey, Crosby, Daigle, Davis K, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Duprey, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Gerzofsky, Glynn, Goldman, Grose, Hall, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jennings, Koffman, Lerman, Makas, Marley, Marraché, Mazurek, McFadden, Merrill, Miller, Mills, Moody, Norton, O'Brien, Paradis, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Richardson D, Sampson, Saviello, Schatz, Sherman, Smith N, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Bierman, Bishop, Bowen, Bowles, Brown R, Browne W, Cebra, Churchill, Clough, Collins, Crosthwaite, Curley, Curtis, Davis G, Edgecomb, Emery, Fitts, Fletcher, Flood, Greeley, Hamper, Hanley B, Jacobsen, Jodrey, Kaelin, Lewin, Lindell, Marean, McCormick, McKane, McKenney, McLeod, Millett, Moore G, Moulton, Muse, Nass, Nutting, Pinkham, Rector, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Seavey, Shields, Sykes, Tardy, Trahan, Vaughan.

ABSENT - Barstow, Berube, Bryant-Deschenes, Carr, Cummings, Fisher, Joy, Lansley, Lundeen, Ott, Patrick, Plummer, Rines, Smith W, Stedman, Thomas.

Yes, 82; No, 53; Absent, 16; Excused, 0.

82 having voted in the affirmative and 53 voted in the negative, with 16 being absent, and accordingly the Resolve **FAILED FINAL PASSAGE. ORDERED SENT FORTHWITH.**

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

(H.P. 274) (L.D. 361)
(C. "A" H-126; H. "A" H-280)

Which was **TABLED** by Representative DUPLESSIE of Westbrook pending **FINAL PASSAGE**.

Subsequently, 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 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed

by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

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

HOUSE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (S-92)** - Committee on **LABOR** on Bill "An Act To Ensure Equity in Appeals of Workers' Compensation Cases" (S.P. 287) (L.D. 879)

Which was **TABLED** by Representative TUTTLE of Sanford pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

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

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

An Act To Distribute Revenue in the Law Enforcement Agency Reimbursement Fund to Municipalities and Counties and To Assist Law Enforcement Officers with Unmet Catastrophic Medical Needs

(S.P. 118) (L.D. 371)
(C. "A" S-110)

Which was **TABLED** by Representative SAMPSON of Auburn pending **PASSAGE TO BE ENACTED**.

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

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

The House recessed until 4:30 p.m.

(After Recess)

The House was called to order by the Speaker.

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

HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-334)** - Minority (6) **Ought Not to Pass** - Committee on **STATE AND LOCAL GOVERNMENT** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine To Provide for the Popular Election of the Constitutional Officers and the State Auditor

(H.P. 940) (L.D. 1357)

Which was **TABLED** by Representative SAMPSON of Auburn, pending her motion to **ACCEPT** either Report and later today assigned.

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

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. I would like to tell

you a little bit about this bill and my reasons for putting it in. During the later part of the summer I got to thinking about the process and how I found it difficult to accept it over the last several years and so on September 15th I put this legislation in and brought the language to the Revisor's Office. My reason for doing so is that these are very important positions with statewide responsibility and I believe that they should be elected for a four-year term. Also, that they need to be elected by the people of the state rather than appointed by the legislature. It is not necessary to have them, at the chance that the Legislature changes hands, be thrown out of office after just two years and that a four year term is more appropriate, given the responsibilities that they have.

On the handout that I gave out you will see how we compare with other states. The secretaries of state are elected by the voters in 35 states and elected by the Legislature in only three – Maine, New Hampshire and Tennessee. They have a four-year term in those 35 states where they are elected as opposed to two-year terms in the three states where they are elected by the Legislature.

As far as the Attorney General goes the voters elect the Attorney General in 43 states. They are elected by the Legislature in only one – Maine. They serve a four-year term in 47 states and a two-year term in the states of Maine and Vermont.

Treasurers and Chief Financial Officers are elected by the voters in 37 states and elected by the Legislature in four states with a four year term in forty states and a two year term in only four. State Auditors are elected by voters in 20 states and elected by the Legislature in one state – Maine. They have four year terms in the 20 states in which they are elected, including Maine. I think that the present system should be made to conform to the majority of states. The election would be held every four years beginning in 2006 and in the case of a vacancy an appointment would be made by the governor for the unexpired term until the next election and then an election held for the replacement through the expiration of the term. So, I would ask you to consider this bill. I think it is the right thing to do. The Maine people will find this to their liking and I get a lot of questions from people about why we don't elect them. The fiscal note is minimal, it's plus or minus \$8,000 so it should not have a fiscal note that should be a problem for us and so I would appreciate your support. Thank you.

On motion of Representative CUMMINGS of Portland, **TABLED** pending the motion of Representative RICHARDSON of Brunswick to **ACCEPT** the Majority Ought to Pass as Amended Report and later today assigned.

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

An Act To Sustain Maine Schools and Libraries
(S.P. 439) (L.D. 1259)
(C. "A" S-116)

Which was **TABLED** by Representative CLARK of Millinocket pending **PASSAGE TO BE ENACTED**. (Roll Call Ordered)

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

Representative **DAIGLE**: Mr. Speaker, May I pose a question through the Chair?

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

Representative **DAIGLE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Last year in the remaining days of the Legislature there was an amendment to the budget proposed to compensate public libraries for the lack of

federal funding if they chose not to implement Internet filters. Could someone please explain to me if the funding referred to in this bill is related to the denial of federal funds by the federal government for not cooperating by putting Internet filters on their computers. Thank you.

The **SPEAKER**: The Representative from Arundel, Representative Daigle has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from South Portland, Representative Bliss.

Representative **BLISS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This is not related to that. This is related to the fact that the money that was set aside in the School and Library Fund specifically to allow upgrades of equipment and software in schools and libraries has had a hunk taken from it in the last couple of years for an entirely different purpose by several different Chief Executives. Money that we anticipate coming from the feds – and we have no reason to believe that it will not come – has not yet been forthcoming.

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

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

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

ROLL CALL NO. 138

YEA - Adams, Annis, Ash, Babbidge, Beaudette, Blanchard, Blanchette, Bliss, Bowen, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Clark, Craven, Cummings, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Emery, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hogan, Hutton, Jackson, Jennings, Koffman, Lerman, Makas, Marley, Marraché, Mazurek, McCormick, McFadden, Merrill, Miller, Mills, Moody, Moore G, Muse, Nass, Norton, O'Brien, Ott, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rector, Richardson M, Richardson W, Rosen, Sampson, Saviello, Schatz, Smith N, Sykes, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Austin, Bierman, Bishop, Bowles, Brown R, Browne W, Campbell, Cebra, Churchill, Clough, Collins, Cressey, Crosthwaite, Curley, Duprey, Edgecomb, Glynn, Hall, Hamper, Hanley B, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Lindell, Marean, McKane, McKenney, McLeod, Millett, Moulton, Nutting, Pinkham, Richardson D, Richardson E, Robinson, Seavey, Sherman, Shields, Tardy, Thomas, Trahan, Vaughan.

ABSENT - Barstow, Berube, Bryant-Deschenes, Carr, Crosby, Curtis, Greeley, Lansley, Lewin, Lundeen, Plummer, Rines, Smith W, Stedman.

Yes, 93; No, 44; Absent, 14; Excused, 0.

93 having voted in the affirmative and 44 voted in the negative, with 14 being absent, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED**.

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, May 12, 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 (8) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-275)** - Committee on **MARINE RESOURCES** on Bill "An Act To Protect Fishing Families"

(H.P. 790) (L.D. 1147)

TABLED - May 10, 2005 (Till Later Today) by Representative CUMMINGS of Portland.

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

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

Representative **KAELIN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to ask you to consider opposing this Majority Ought Not to Pass motion that is before us tonight. What I would like to do is get to the Minority Report. Why I would like to do that is because I think we should be managing the state's lobster fishery to provide for the succession within a family of a lobster license.

What this bill would do is allow a lobster license to be transferred to a persons child, grandchild or spouse and would then also require that that person complete the apprentice program that allows for entrance into the lobster fishery. Right now there is a very complicated series of opportunities and they are very limited to get into this fishery. The major way to get in is to spend 2000 hours on the back deck of a lobster boat and that's a so-called apprentice program. If you complete that you end up on a list going into several limited entry zones on the coast of Maine. The other way to do it is if you're a student between the ages of eight and twenty-three years old than you may obtain a student license.

Many people in the lobster industry are opposed to the idea of family succession in this business, but others are not and I think it really makes an awful lot of sense to preserve a family's opportunity to pass on the assets that they have developed to someone in their family.

This change would not increase effort in this fishery as some people have maintained. It does not constitute a sales program in the lobster industry as some have maintained. It simply provides the opportunity for a family member to allow his license to be transferred to someone in his family and to allow that business to be sustained. That can become the basis for future effort limitations within this state and there is going to be a debate within the industry over the next several months - it is already beginning - as to whether or not 800 traps is too many or whether the amount should be lowered to 600. So, if you have a computer in front of you, you will see that the Maine Lobsterman's Association just sent you a letter basically saying to support the motion that is before you, but they maintain that this Minority Report I would like us to get to tonight would increase effort in the fishery. I could spend a lot of time here discussing that with you tonight. This is a family oriented bill. This business should allow for succession of licenses in the family and for that reason I encourage you to defeat the pending motion. Thank you Mr. Speaker.

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

Representative **PERCY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The Legislature helped create the current system of lobstering and licensing. They worked with the industry and the department. This bill is a perennial bill that keeps popping up every session. The bill was submitted and the only people who spoke in support of this bill was the one family that is unhappy with this system. The rest of the people that spoke spoke toward Ought Not to Pass for this bill. They were the Representatives from the zones, and for those of you who are not familiar with the Zone System, the entire coast has zones. It is about local control. Every zone elects members to speak about what is going on with their industry. They meet monthly and then once a month all of the zone reps come to Augusta. In fact this coming Wednesday is the Zone Council meeting.

The Lobster Zone Councils - every council along the coast - gets together and they look at all the lobster bills that are coming before us then they send their rep to the marine resources public hearing and they speak and let us know whether the zone supported the legislation or not. All seven zones spoke against this bill and please remember that they spoke against this bill. When you first think about it this is a bill that could help the industry because it will guarantee that my son or my daughter can keep fishing, but that has already been taken care of. The existing system says that if you go through the apprenticeship program and you are a student up until the age of 23 you can get into the program. You can get your license after completing the apprenticeship program. If you are over the age of 23 you have to go through the apprenticeship program and get on a waiting list. This bill will circumvent that waiting list that has been set up and that has been used for many years.

The bill is basically about fairness for people who have already paid their dues and are waiting in line to get their license along with everybody else. I ask you to please support the Ought Not to Pass for this and listen to the industry. 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 brought this bill forward for a constituent and Representative Percy is correct. It is a perennial bill and it is a perennial bill because it is a good idea. Just because we have done something the same way for twenty years doesn't make it right.

There was testimony at the hearing from the zone that affects Scarborough. There was some testimony that was neither for nor against the bill and they were neither for nor against because they thought that this was an idea whose time it has become to discuss. This bill allows families to pass their licenses on to their spouse, their child or their grandchild. It's not new licenses. It's not more traps. It allows a family to maintain their family business. It is pro fishing, pro family, and it keeps our young people in Maine.

There is more to lobstering than the license. There are traps. There is your heritage, your family business and access to the water. We have many families that have all of those things, but the only thing stopping them is the ability to have the license transferred from the mother and father to the child, spouse or grandchild. We talk a lot in here about doing things for fishing families, helping family business; keeping young people here and we have a chance to do it. So why don't we oppose the pending measure and do something for our fishing families. Instead of just saying that we are going to help them, let's really do it. Thank you.

The SPEAKER: The Chair recognizes the Representative from North Haven, Representative Pingree.

Representative PINGREE: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I do appreciate the comments of my good colleague from Scarborough as well as my colleague from Winterport. I have to get up and very strongly support the motion in front of us.

For those of you – probably most of us serving in this body today – we weren't here in the mid nineties when the Maine Legislature made the decision, with the input of the fishing communities and fishermen, that it wasn't our job to micromanage the fishing industry. The fishing industry should create their own democratic process to govern themselves and we did that. We set up zone councils.

Many of us in the Legislature go to the meetings and some of us serve as legislative members. I am on the Zone C Lobster Council. I also represent – I looked it up – more than 1,000 fishing families. I represent Vinalhaven, Stonington, Swan's Island, Mount Desert Island – some of the most rich, most prosperous fishing communities in the state of Maine and, when I say rich, I say it because they are rich in tradition, not because they make a lot of money, although some of them do make a lot of money.

In the mid nineties the Legislature set up a process to take us out of every single decision and to allow the Zone Councils to make decisions for themselves about who can enter into the system, what the effort is in their system, and to allow them to govern themselves. This bill is in direct conflict with the legislative and democratic process that we have set up. The surprising thing about this bill is that the Maine Lobsterman's Association. The Downeast Lobsterman's Association, the Southern Maine Lobsterman's Association and the Lobster Advisory Councils all oppose this bill. They said, "Let the fishing industry decide for us the best policies for our industry and for our families."

I am not necessarily saying that the industry is against this, so therefore, let's not even discuss the merits of the bill. I'll go to the merits of the bill because the merits are very strong. The fishing industry and the Legislature set up something called the apprenticeship program. It has been an incredibly successful program. It says that if you want to get into the industry go out with your grandfather, get a job with somebody else as an apprentice. Learn how to fish, learn how to be a good fisherman, learn the ways of the water, learn good policies, learn how to do it well and serve your time and then you can get your own license.

If you are under the age of 18, which many stern men and women are – my little sister actually spent last summer working as a stern woman and made a lot of money - a lot more money than I make here - just in her three months working as a stern woman. If you spend time working as a stern you will get a license. Some people have to serve on a waiting list, but if you are under the age of 18 you don't have to wait on a waiting list. Most kids who I represent know from the age of 10 that they want to be a fisherman or that they want to be a fisherwoman and they start going fishing and they work their way up and they automatically - once they have served their time - get a license, not just a student license, but a real commercial license under the age of 18. There are kids that I represent that are 17 years old and are already fishing 800 traps. I have gotten no phone calls on this bill asking me to support this. I honestly believe that I represent more fishing families than anybody else in the state of Maine.

The Zone Councils and the people that I represent said to let the fishing industry decide. Don't let the legislature interfere in a process that we have managed well and this is one of the best-

managed fisheries in the State of Maine. As we see other fisheries decline because of the management practices we have put in place we continue to have record seasons, we continue to manage it well and we continue to be happy with that process. There will always be people who are not happy, but we need to govern for the processes that we set up. I ask you to support the motion, support our fishing families and support the industry, Thank you.

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

Representative KAELIN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. You know, the lobster zones probably are a pretty good idea and I'm not saying everything they come up with is wonderful or infallible but they get their authority from this Legislature. They didn't just decide some day that they were going to go out and have a bunch of zones. This Legislature gave them that authority. This Legislature has the authority today to support the idea of family succession in this business. This is a limited entry industry. I don't think there is anybody in this room who can ever become a lobster fisherman. It's over, unless you want to get on the deck of a boat and spend the time out there.

One thing that the good Representative from North Haven didn't tell you was about the system for getting off these apprentice lists. Just because you are on an apprentice list doesn't mean you are ever going to be a lobster fisherman. You are going to be too darn old to get out on your boat. Some of these lists have 50-60 people and a five to one exit ratio. For example in Zone D, where I hold my license, five people have to leave before one person comes in.

What this bill would do is it would allow a family to keep that license in their family, require the person to go on the apprentice list, and yes it would allow that individual to jump ahead of others. It would give people whose family succession is important to their business an opportunity to go fishing. But, just because you are on that apprentice list doesn't mean you are going to be a lobster fisherman. You are going to be dead and buried before you get off that list in nine out of ten cases and your business that you are selling to this guy is going to go dimes on a dollar sometimes because you have five people leaving before one comes in. There you are. You got your boat, you got your traps, you got your rope and you've got to wait. The possibility of selling a boat is only 20%, one out of five. This way you can keep it in your family.

We did hear testimony from people who want to do that and I think it makes an awful lot of sense. We should, as legislators and as a Legislature provide these families with this opportunity. The Lobster Zone Councils will deal with it very, very effectively. So, I appreciate the time to speak again on this tonight and Mr. Speaker when the vote is called I ask for the yeas and nays.

The SPEAKER: The Chair recognizes the Representative from Cherryfield, Representative Dudley.

Representative DUGAY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would actually ask you to vote against the pending motion. The democratic process in the Zone Council is a tad flawed. I had three constituents in my zone that had their 200 days and their 2000 hour and had completed the apprenticeship program and the Zone Council voted to shut the zone. They have completed the whole process but now they can't fish. We had to enter a legislative amendment in the committee to allow them to do that, but the Zone Council situation is flawed and I would ask you to vote against the pending motion. Thank you.

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

Representative **PERCY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The efficiency of the Zone Council System was evident at our public hearing. Because, instead of having to go to the civic center with 800 fishermen to talk about these bills, every zone talked about the legislation and their one representative came and spoke for us. Every 7 zone voted against this. They acknowledge that every year there is a special consideration. I ask you to understand this one point, but the bill was brought in by someone who opted to leave the industry. He let go of his license and then he decided he wanted to come back and get into the industry, but meanwhile, the industry and the legislature created an apprenticeship program to guarantee protection for the industry. It is not just about protection of the lobstering licenses. It is about protection of the resource, which is a public resource. So, the zone system – every system - is flawed. Democracy is so messy and wonderful and many of us have said that it is flawed as well, so I urge you to support the Ought Not to Pass. Thank you.

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

Representative **ASH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I will be voting against this motion of Ought Not to Pass. I will be voting Ought to Pass, I hope.

Let me tell you a little history here. This industry is the only industry in the State of Maine that does not allow qualified individuals to take over a family business. It would be like if you said a son could not take away fathers plumbing business if he was eligible for a plumbing license.

A minor – and this has been said before – who has a student license will be issued a license automatically when they turn 18, yet if that same child doesn't get a student license and then later meets all of the requirements as an apprentice they are barred from receiving transfer of a family members license. So in the first instance we will give them one automatically and in the second we won't allow for the transfer of an existing license. That makes no sense.

In a 5:1 zone, of which mine is one, at my age right now, I am 60 years old, if I went and apprenticed for two years I would be 62 provided I could find a boat up in my area to go on which would be pretty doubtful and it is a 5:1 entry level up there. I would not live long enough to receive a license. So, as a taxpayer of the State of Maine, I am out of the industry for my life and will never be able to go fishing. Well, that's all right because I really don't care to go fishing, but do you realize that for every 100 licenses out only twenty can get back in and the industry has complained about this particular bill because they say it isn't fair to put one ahead of another in line when they get into the apprentice program. I for one would step back with my turn in line because I will never be able to get one and I feel that we should vote that the Ought Not to Pass be ejected and that we vote Ought to Pass on this particular bill. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Cutler, Representative Emery.

Representative **EMERY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I didn't intend to speak on this bill for obvious reasons.

When this bill was brought before the committee there was some healthy debate and certainly you can understand both sides of the argument. It is difficult to decide what's the right thing to do in this circumstance because there are a lot of people who cannot get a fishing license, but there is a system, a format in place. There are rules in place to manage the fishery and there is a process that has been established to award people lobster fishing licenses and it works. It is not perfect, but it does

allow people entry into the fishery. The idea of transferring licenses to family members is something that is being discussed amongst the zones currently and at the next Lobster Advisory Council meeting this is on the agenda for discussion. I think it might be a bit premature to act on this bill and reverse the majority report and support the concept of passing this license on to a family member. So, I am speaking in support of the motion that is on the floor. Support the Majority Ought Not to Pass and we can continue on with our business here this evening. Thank you.

The **SPEAKER**: A roll call having been previously 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. 139

YEA - Adams, Babbidge, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Clark, Craven, Cummings, Davis G, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Eberle, Eder, Emery, Faircloth, Farrington, Glynn, Goldman, Grose, Hanley S, Harlow, Hogan, Hutton, Jackson, Koffman, Lerman, Makas, Marean, Marraché, Mazurek, McFadden, Merrill, Miller, Mills, Moody, Moore G, Norton, O'Brien, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rector, Richardson M, Sampson, Schatz, Seavey, Smith N, Thompson, Trahan, Valentino, Walcott, Watson, Webster, Woodbury, Mr. Speaker.

NAY - Annis, Ash, Austin, Bierman, Bishop, Bowen, Bowles, Brown R, Browne W, Campbell, Cebra, Churchill, Clough, Collins, Cressey, Curley, Curtis, Daigle, Davis K, Dugay, Edgecomb, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Hall, Hamper, Hanley B, Hotham, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Lindell, McCormick, McKane, McKenney, McLeod, Millett, Moulton, Muse, Nass, Nutting, Ott, Pinkham, Richardson D, Richardson E, Richardson W, Robinson, Rosen, Saviello, Sherman, Shields, Sykes, Tardy, Thomas, Tuttle, Twomey, Vaughan, Wheeler.

ABSENT - Barstow, Berube, Bryant-Deschenes, Carr, Crosby, Crosthwaite, Duprey, Greeley, Lansley, Lewin, Lundeen, Marley, Plummer, Rines, Smith W, Stedman.

Yes, 71; No, 64; Absent, 16; Excused, 0.

71 having voted in the affirmative and 64 voted in the negative, with 16 being absent, and accordingly Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

HOUSE DIVIDED REPORT - Majority (10) **Ought Not to Pass** - Minority (3) **Ought to Pass** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Requiring Release of Aggregate Information from the Department of Education To Measure the Effectiveness of the Law Requiring Fingerprinting and Background Checks of Educational Personnel"

(H.P. 1103) (L.D. 1565)

TABLED - May 11, 2005 (Till Later Today) by Representative **NORTON** of Bangor.

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

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

Representative **SYKES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As you think about this bill please keep in mind five points that the Criminal Justice Committee thought of as we looked at the request for about \$400,000 to do this fingerprint checking and tried to determine if that is a good investment of our resources.

Point number one would be that we are asking for aggregate information only. We are not asking for information that speaks to a specific school district or that speaks to a geographic area.

Point number two is an investment of resources. The Criminal Justice Committee where this really came from was concerned that the Computer Crimes Task Force was in danger of being eliminated. The cost of that Computer Crimes Task Force is about \$400,000 dollars a year and we are wondering whether or not it would be a better investment to put the money used for fingerprinting, which is about \$400,000 a year - about \$2,000,000 over the last five years - and take a look at that Computer Crimes Task Force to see if that would be a better investment of our resources. Virtually every crime now involves the confiscation of a computer and on those computers there is a great deal of child pornography, leading to prosecution of other crimes. There are about eighty computers that are backed up in the Computer Crimes Task Force that have yet to have an autopsy done.

Point number three is an accountability issue. As legislators we are the guardians of the public funds and I think we need to know whether those funds are being expended appropriately. Point number four, we would like to know if there are any trends in this particular legislation. Are their trends of more people being discovered and prohibited from going into the educational field or are we making a difference? Are people saying, "Wow, they are doing a background check and therefore I am not going to apply"? We have not been discovering as many over the last five years.

The fourth point, the refusal to release this information raises the question what are you trying to hide? It gives lots of other possibilities. So, as you look at this bill I would ask that you consider those five points and vote to oppose the Ought Not to Pass motion. Thank you.

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

Representative **BLANCHETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It had been passed on to me for some time that this particular bill was going to be caucused at our recent caucuses and it has not so, I will attempt to - in a very limited time - explain to you the reasoning why Criminal Justice came out and asked me to introduce this bill to the Department of Education.

When we were reviewing our budget, when we came back here in December and January, we asked the Public Safety Department to justify every dime of their budget and when they came - the Department of Public Safety and the State Police - there was a big gaping hole of about \$50,000 a year that there was no justification and no answers for. It was the unanimous report of the Health and Human Services Committee not to fund us because we weren't going to fund something that there was no justification for. That is, there never has been and never will be an attempt on the validity or the necessity of a fingerprint background check for all education personnel. What this is, is a request for the Department of Education to justify to the legislative body that you are a member of, that they actually need, and it is justified, that we expend \$450,000 to fund this program.

A brief bit of history, In the Department of Public Safety and Criminal Justice we do background fingerprint checks on all sorts of businesses and entities within this state and that is our job, but with that job also comes a bill to be paid on receipt of services. You pay the Department of Public Safety for that background and fingerprint check. We give them away to no one else. The biggest percentage of our budget in the Legislature - the 120th, 121st and the 122nd - goes into Education and or Health and

Human Services. This is a big chunk of change. I have got a Public Safety Department out there that is scrambling to protect citizens from Internet fraud, child pornography on the Internet and fraud of consumers, whether they are five years old or 85 years old. We don't have the money to fund this, \$450,000 would go a long way with putting people on the payroll in the Department of Public Safety.

All that I want you to do and all I will ever ask you to do, as a legislator is to demand and insist on accountability when the price tag is \$450,000 a year. I am regretful to my caucus members and I do apologize that this did not get caucused where the good Representative from Bangor, Representative Norton and I could have swapped point, counter point, but I am going to ask you to look into your hearts and vote your conscience. Would you, in your private business, write a check to anyone for \$450,000 a year without demanding results or accountability? I think not. Thank you Ladies and Gentlemen.

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

Representative **NORTON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Again, let me allay your fears, this is not finger printing per sé. However, those of us who were here remember well what kind of an issue that became and you can remember that a lot of what we did was that when we decided to fingerprint educational personnel we decided that the fair thing was to do it for, us to do it. In doing that, part of the whole deal was that when we decided to do fingerprinting and background checks Criminal Justice asked that this be under their purview and I assume that if there was money doled out for that purpose it was probably doled out to them at the time. Now again, there is a lot of stuff that goes on behind this. Right now the Department of Education very zealously reviews and controls that information as was promised at the time that fingerprinting started. In fact we did get an advisory opinion from the AG and the AG's conclusion was that criminal history record check information is collected solely for the purpose of the Department of Education to determine fitness for employment in a school. So, again I remind you of that.

This information is very sensitive and it is subject to abuse when it becomes public and it's fodder, as we all know, for the press. We had several opponents of the bill - the Commissioner, the department, the Maine Education Association - who are all against this information being released. Currently, only two people are allowed that information. The person for the department who looks after certification and the Commissioner if the need be. Those are the only two people that have this information and again that was the promise. I lost a lot of dear friends in this profession because they felt that this was truly an invasion of their rights and so I again urge you to please follow my light on Ought Not to Pass on this bill.

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 would like to correct a couple of things that have been said so far, first that the Legislature should have some level of accountability on how this money is spent. We do have a new level of accountability that has complete access to confidential information - the new OPEGA office that is in the other building. If you take a look at their statutes they can do a review of this program and report back without doing any damage to the education field and I think that that would be a more appropriate process than to release aggregate data, and I'll tell you why.

First of all, I think it is imperative that when we pass legislation we be very careful that we don't bring negative

feelings from the public against any profession and this fingerprinting issue has, I think, brought some negative feelings towards the teaching profession. My wife is in the teaching profession and she is very proud of that. I can tell you that it was very difficult when my wife went and put her finger on the black ink and got her fingerprint and background check, but you know I think a lot of people felt that was important to do to keep pedophiles out of the teaching profession. But, when we start releasing data to the public that could then bring an impression upon that group of folks and I think we have to be very careful what kind of information and how would it be released? I think we should be very careful with that and I don't think we should be passing this bill and I hope that we support the Ought Not to Pass.

The other thing that I would like to correct was something that was said earlier. In any profession the refusal to release this information might bring some kind of negative thoughts about why that might be. That is exactly why we shouldn't do this. To imply that refusal means they have something to hide generates discontent and doubt towards the teaching profession. I think we need to let this issue go to bed. It has been debated. It has been settled. It has been vetoed twice that I remember - because I sponsored the bills that were vetoed. I think we need to let this issue go to bed. Let's not start releasing this information and opening up these old wounds. I ask that you continue to support the Ought Not to Pass. Thank you.

Representative DUPLESSIE of Westbrook **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. 140

YEA - Adams, Babbidge, Beaudette, Blanchard, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Campbell, Canavan, Cebra, Clark, Clough, Craven, Cummings, Daigle, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Eberle, Eder, Edgecomb, Emery, Faircloth, Farrington, Fischer, Fisher, Flood, Glynn, Goldman, Grose, Harlow, Hogan, Hotham, Hutton, Jackson, Koffman, Lerman, Lindell, Makas, Marley, Marraché, Mazurek, McFadden, McKane, McLeod, Merrill, Miller, Mills, Moody, Moulton, Norton, O'Brien, Ott, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Pinkham, Piotti, Richardson D, Richardson E, Richardson W, Sampson, Saviello, Schatz, Smith N, Thompson, Trahan, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Ash, Austin, Bierman, Bishop, Blanchette, Bowen, Bowles, Brown R, Browne W, Churchill, Collins, Cressey, Curley, Curtis, Davis G, Davis K, Dugay, Duprey, Finch, Fitts, Fletcher, Gerzofsky, Hall, Hamper, Hanley B, Hanley S, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Marean, McCormick, McKenney, Millett, Moore G, Muse, Nass, Nutting, Paradis, Rector, Richardson M, Robinson, Rosen, Seavey, Sherman, Shields, Sykes, Tardy, Thomas, Vaughan.

ABSENT - Barstow, Berube, Bryant-Deschenes, Carr, Crosby, Crosthwaite, Greeley, Lansley, Lewin, Lundeen, Patrick, Plummer, Rines, Smith W, Stedman.

Yes, 84; No, 52; Absent, 15; Excused, 0.

84 having voted in the affirmative and 52 voted in the negative, with 15 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

Bill "An Act Establishing Minimum Energy Efficiency Standards for Certain Products Sold or Installed in the State"

(H.P. 999) (L.D. 1435)

(C. "A" H-307)

TABLED - May 12, 2005 (Till Later Today) by Representative PELLETIER-SIMPSON of Auburn.

PENDING - **PASSAGE TO BE ENGROSSED.**

Representative TWOMEY of Biddeford moved that the House **RECONSIDER** its action whereby **Committee Amendment "A" (H-307)** was **ADOPTED.**

The same Representative **PRESENTED** House Amendment **"A" (H-370)** to **Committee Amendment "A" (H-307)** which was **READ** by the Clerk.

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. I want to make L.D. 1435 a win, win, win, a win for the environment and a win for Maine people and local small business owners. The only way to make this a win, win is to use a carrot instead of a 2x4.

Maine has a very successful incentive program already in place with the public utilities commission. In 2004 it spent almost \$16,000,000 on encouraging the use of energy efficient equipment. A lot of this money goes to paper companies and large industries as incentives and rebates. It's money that we pay for. The PUC offers rebates for residential lights and ceiling fans and it offers rebates for small businesses on a few items, but the products listed here in L.D. 1435 are not included in that incentive program. So, while big companies get millions of dollars a year for incentives, L.D. 1435 wants to stick the bill for efficient products on the backs of Maine people and local small business owners. That is not right and it's not helpful. If these 18 products listed here are the most important products that we should ask people to buy efficiently then let's direct the PUC to include these products in their incentive program.

The PUC estimates that next year it will collect about \$12,000,000 that can be used for non-industrial efficiency programs. Certainly, if these 18 products are the big energy users than we should include them in the PUC rebate program. The Utilities Committee this year also supported a bill to require natural gas companies to begin collecting money for a conservation and efficiency program. Some of the products listed here are gas fueled and could be included in the gas companies efficiency programs. So, what I am saying is that there is money available to make the requirements in this bill voluntary - not mandatory - and part of an incentive program. We can actually help our local businesses instead of hurting them. At a time when we might loose 6,000 jobs this seems like a smart thing to do. We can keep close tabs on the program because the PUC reports back to the legislature every year about how the conservation money is spent. The Utilities Committee will know how the incentive program is working and can make adjustments or phase outs as the old equipment is replaced with new equipment, making L.D. 1435 voluntary and offering incentives will do more for the environment than forcing people to keep repairing old equipment or buying used. Please support my amendment.

Mr. Speaker and Men and Women of the House, in light of the information that we received about our Portsmouth Naval Base and other bases in the State of Maine I think it is time we stand up. We have small business initiatives that the Democrats were behind. Why not make this a win, win situation? Why not Say to small businesses, "We are going to give you an incentive

to change that equipment." instead of saying, "You have to do it." I think it is sending the right message to small businesses. My small local Laundromats, my lobster pounds down by the ocean that are small – I think it's time we send them some help and I think that this is the way to do it. Thank you.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Bliss.

Representative **BLISS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The appliance bill will indeed have real consequences, all of them good. After 2007 it will start saving money for any customer who goes to buy a new product that is covered by the bill. It will ensure that many different models with many different features are available in all Maine stores and that every one of the models will save money by saving energy when compared to the old, inefficient models that are phased out.

Nobody, Mr. Speaker, nobody is forced to buy anything. They can keep their old appliances as long as they want, but just like we have told manufacturers they can no longer sell cars in Maine unless they come equipped with seatbelts we are also going to tell manufacturers they must stop sending us technologically old, inefficient appliances after 2007. As we have made abundantly clear, there are numerous models available that will comply with the standards spelled out in the bill and in no case is there only one model that consumers could choose.

The price difference is not substantial between the compliant models and the old ones that would be phased out. Five dollars for a pre-rinse spray valve – remember that thing we talked about in restaurants? Six dollars for a ceiling fan with compliant lights. Sixteen dollars for an oil fired steam boiler, thirty dollars for a commercial icemaker out of a total list price of \$500-\$1,500, \$66 for a commercial refrigerator out of a total list price of \$1000 - \$3000. Whatever the incremental price is statistics show that, in most cases, after the first the customer is saving money every month for the life of the product.

This seems to have become a partisan issue and that's disappointing indeed. In Arizona it was the Republican Legislature that passed this similar bill. In Connecticut it was the Republican Governor who pushed it through and signed it. This bill will advance energy efficiency programs but require no new taxes, no fees charged to ratepayers and it should be a perfect fit for everybody in Maine.

Let me say a word about small businesses because they have been referred too. This bill should help small businesses by lowering their operating costs and making them more profitable. It will do this by ensuring good, more efficient products.

The same Representative moved that **House Amendment "A" (H-370) to Committee Amendment "A" (H-307) be INDEFINITELY POSTPONED.**

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Twomey and asks why she rises?

Representative **TWOMEY**: Point of Order Mr. Speaker?

The SPEAKER: The Representative may proceed

Representative **TWOMEY**: Thank you Mr. Speaker. I think that we are not speaking to the issue of Postponing.

The SPEAKER: The pending question before the House is Indefinite Postponement of House Amendment "A" (H-370). That should be the subject matter to which we are discussing.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Bliss.

Representative **BLISS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I believe I have made my Point and I will stop here. Thank you very much.

Representative **FLETCHER** of Winslow **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** House

Amendment "A" (H-370) to Committee Amendment "A" (H-307).

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

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative McKenney.

Representative **MCKENNEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think we all know that postponement is a tool that we use a lot around here and I personally think that it is overused and I think we owe the Representative from Biddeford an up and down vote on her amendment. I think everybody in this body will agree that she made eminent sense with that amendment and offering it. So with that in mind I think we owe her an up and down vote so I urge you to vote against Indefinite Postponement.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-370) to Committee Amendment "A" (H-307). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 141

YEA - Adams, Babbidge, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Craven, Cummings, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Gerzofsky, Goldman, Grose, Hanley S, Harlow, Hutton, Koffman, Lerman, Makas, Marley, Marraché, Mazurek, Merrill, Miller, Mills, Norton, O'Brien, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Sampson, Schatz, Smith N, Tuttle, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Ash, Austin, Bierman, Bishop, Bowen, Bowles, Brown R, Browne W, Campbell, Cebra, Churchill, Clark, Clough, Collins, Cressey, Curley, Curtis, Daigle, Davis G, Davis K, Dugay, Duprey, Edgecomb, Emery, Finch, Fisher, Fitts, Fletcher, Flood, Glynn, Hall, Hamper, Hanley B, Hogan, Hotham, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Lindell, Marean, McCormick, McFadden, McKane, McKenney, McLeod, Millett, Moody, Moore G, Moulton, Muse, Nass, Nutting, Ott, Paradis, Pinkham, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Saviello, Seavey, Sherman, Shields, Sykes, Tardy, Thomas, Thompson, Trahan, Twomey, Vaughan.

ABSENT - Barstow, Berube, Bryant-Deschenes, Carr, Crosby, Crosthwaite, Fischer, Greeley, Lansley, Lewin, Lundeen, Plummer, Rines, Smith W, Stedman.

Yes, 59; No, 77; Absent, 15; Excused, 0.

59 having voted in the affirmative and 77 voted in the negative, with 15 being absent, and accordingly the motion to **INDEFINITELY POSTPONE** House Amendment "A" (H-370) to Committee Amendment "A" (H-307). **FAILED.**

Representative **CUMMINGS** of Portland **REQUESTED** a roll call on the motion to **ADOPT** House Amendment "A" (H-370) to Committee Amendment "A" (H-307).

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

On motion of Representative **CUMMINGS** of Portland, **TABLED** pending **ADOPTION** of House Amendment "A" (H-370) to Committee Amendment "A" (H-307).and later today assigned. (Roll Call Ordered)

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

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-349)** on Bill "An Act To Rename the Bangor Mental Health Institute the Dorothea Dix Center for Public Service and To Establish the Dorothea Dix Award" (H.P. 416) (L.D. 561)

Signed:

Senators:

MAYO of Sagadahoc
MARTIN of Aroostook
ROSEN of Hancock

Representatives:

PINGREE of North Haven
WALCOTT of Lewiston
GROSE of Woolwich
WEBSTER of Freeport
MILLER of Somerville
BURNS of Berwick
SHIELDS of Auburn
GLYNN of South Portland

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

Signed:

Representatives:

CAMPBELL of Newfield
LEWIN of Eliot

Representative SOCKALEXIS of the Penobscot Nation - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-349)** Report.

READ.

On motion of Representative PINGREE of North Haven, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-349)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 17, 2005.

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Abolish the Maine Clean Election Act"

(H.P. 381) (L.D. 506)

Signed:

Senators:

MITCHELL of Kennebec
GAGNON of Kennebec

Representatives:

FISHER of Brewer
OTT of York
VALENTINO of Saco
PATRICK of Rumford
TUTTLE of Sanford
MOORE of Standish
BLANCHETTE of Bangor
BROWN of South Berwick

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-355)** on same Bill.

Signed:

Senator:

PLOWMAN of Penobscot

Representatives:

PINKHAM of Lexington Township

HOTHAM of Dixfield

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

READ.

Representative PATRICK of Rumford moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

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

Representative **DAVIS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This is my bill to abolish the Maine Clean Election Act and I realize that most of you, or 80% of you ran on clean elections and 20% of us did not so this may be like Don Quixote charging windmills or Cassandra telling the Trojans not to bring the wooden horse within their walls, but anyway, here goes.

I feel that there is a lot of fallacy and fault with the Clean Election Act as it is called. The leadership PACs are a very unjust thing that people can use to raise thousands of dollars to run for leadership. Also I think you have all read in the paper where people have taken their friends out to dinner, they have bought shoes and shirts and so on and so forth. I am not going to give a long litany of that although there is plenty of abuse of the clean election.

I would ask you the question of if it has made liberals more conservative and I think the answer is no. Has it made conservatives the other way, no. People pretty much believe what they believe. John Marshall, one of our founding fathers, said, "The power to tax is the power to destroy." And when the Clean Election Committee can fine you they can hurt your reputation or they can certainly make it harder for you to win your election. I have done quite a bit of research on this and so I will just briefly go back to something that has always impressed me.

A famous historical document written by James Madison in 1787 in an essay entitled Federalist #10. In his brilliant political writing Madison portrays his understanding of the democratic society. James Madison - the father of the U.S. Constitution - believed that a free society would organize itself in a multitude of factions. Factions, whether majority or minority, will organize their special interests into political activity, dominate the government and pass legislation for their own interest. It is the role of a free government to temper, moderate and control the most passionate members of these factions from harming a common good. The government, according to Madison, must be an impartial referee. People in 1787 organized themselves into banking, commercial interests, farming and debtor interests. Maine has a lobby for women, banking, commerce, farming, fishing, small business, labor, public employees, healthcare, insurance, retired people, environmental interests and sportsman just to name a few that are active daily in Augusta.

Madison writes in the 10th Federalist that "Liberty is to faction what air is to fire, an ailment without which it instantly expires." In other words, if the government tries to extinguish the conflict of factions during the elections by paying people to run for political office, eventually the cure will be worse than the disease. In a democracy governance must have limitations on its power or the democratic process will be destroyed. Thomas Jefferson said, "To compel a man to furnish funds for the propagation of ideas he disbelieves and abhors is sinful and tyrannical."

We have all read some of the abuses of the clean elections and I will not repeat them, but I feel that sometime down the line where we will spend millions of dollars paying for elections that are wrong. Sometime the State of Maine must stop spending as much money I think we all agree on that. Just how? I think as I have researched this, that the government paying people while all of us are taxed for ideas we do not agree with is not democracy. I know most of you will vote against this, but I think someday clean elections will be abolished and perhaps this is the first step. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative Richardson.

Representative RICHARDSON: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a pretty simple proposition that we are talking about here. As I understand - and I haven't checked this figure - but I heard the figure for this coming election is \$10,000,000. Ten million dollars is 10% the amount that Senator Mills from the other body said we could cut from our current budget. I don't know how you could get a better and easier savings and I think that you would become heroes with your constituents if you said we will start with ourselves first and we are not going to keep spending money and giving money away and we are going to relieve you of having to give the Representatives money. I would support this bill.

Representative TUTTLE of Sanford REQUESTED that the Clerk READ the Committee Report.

The Clerk READ the Committee Report in its entirety.

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

Representative HAMPER: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As I sat here and listened to the debate on this issue I was thinking, "Boy it would be nice if I had the results of my survey that was sent out a couple of weeks ago." I have received about 250 responses and a staff member walked up to me and gave me the results of my survey with a draft for the letter to be sent out in my response to them.

My question was, "Do you favor the abolishment of the Maine Clean Election Act?" I had 23% yes and 77% no. I guess I know how I should vote. Thank you.

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 can go either way with this issue, however nobody is talking about the amended Minority Report which says let's submit it to the people for a vote next November. I hope that you will vote against the pending motion.

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. Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. In the last election I ran as a traditional candidate which meant that I went out and sought funds to help me do the printing, to help me do the other work for what I needed in order to tell people who I was as well as what I stood for, which was, I think, what we all do when we run for election.

My opponent ran as a clean election candidate. I think what happened was that my opponent did not really intend to run. However, he did receive funds from the Maine Clean Election Fund and I would still stand here and say I do not believe we should abolish the clean election act. It's a good act, whoever follows me I hope will use it and I hope that all of you understand why we had to put that into effect because in a state like Maine a

lot of men and women do not have a lot of private funds to run and by using the Maine Clean Election Act they are capable of running. Thank you.

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

Representative PERRY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am a Clean Election candidate and I would not be here if it was not for the Clean Elections monies that allowed me to run for a couple of reasons. First of all, it never occurred to me to run and secondly I work full time. I work 45-60 hours a week. I need to see my constituents and the thought of going out and raising money that had nothing to do with the people I was looking to represent and getting to know was not something that I was able to do. I had to make some tough choices just coming here. We earn so much money being the only wage earner in my household I had to make some choices as to how we would do this.

Any law has the ability for abuse. I don't care what it is. But the Clean Election really was to open things up for people who would not normally run; or people who don't necessarily have the connections to the agencies and the organizations that offer money and to really broaden the people's representation. Looking at that as seed money to do that I would ask that you vote for the Ought Not to Pass and let's keep the representation in this house as broad as we possibly can. Thank you.

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. As a member of the House I have never run as a Clean Candidate. I have always funded myself traditionally, but I will be supporting the pending motion because frankly it just leaves that much more out there for those of us who are looking for money and I really, really think it is wonderful how many green candidates decide to enter our campaigns because I think they help us a great deal. Thank you.

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

ROLL CALL NO. 142

YEA - Adams, Annis, Ash, Babbidge, Bishop, Blanchard, Blanchette, Bliss, Bowen, Brannigan, Brautigam, Brown R, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Clark, Craven, Cummings, Curley, Daigle, Driscoll, Duchesne, Dudley, Dunn, Duprey, Eberle, Eder, Edgecomb, Emery, Faircloth, Farrington, Finch, Fischer, Fisher, Flood, Gerzofsky, Glynn, Goldman, Grose, Hall, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hotham, Hutton, Jackson, Jacobsen, Jennings, Kaelin, Koffman, Lerman, Makas, Marean, Marley, Marraché, Mazurek, McFadden, McKenney, McLeod, Merrill, Miller, Millett, Mills, Moody, Moore G, Nass, Norton, O'Brien, Ott, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rector, Richardson D, Richardson W, Sampson, Saviello, Schatz, Shields, Smith N, Sykes, Thompson, Tuttle, Twomey, Valentino, Vaughan, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Austin, Beaudette, Bierman, Bowles, Cebra, Churchill, Clough, Collins, Cressey, Curtis, Davis G, Davis K, Dugay, Fitts, Fletcher, Jodrey, Joy, Lindell, McCormick, McKane, Moulton, Muse, Nutting, Pinkham, Richardson E, Richardson M, Robinson, Rosen, Seavey, Sherman, Tardy, Thomas, Trahan.

ABSENT - Barstow, Berube, Bryant-Deschenes, Carr, Crosby, Crosthwaite, Duplessie, Greeley, Lansley, Lewin, Lundeen, Plummer, Rines, Smith W, Stedman.

Yes, 103; No, 33; Absent, 15; Excused, 0.

103 having voted in the affirmative and 33 voted in the negative, with 15 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 **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-351)** on Bill "An Act To Amend Maine's Shellfish Laws To Maintain Compliance with Federal Law and Protect Maine's Shellfish Industry"

(H.P. 1013) (L.D. 1449)

Signed:

Senators:

DAMON of Hancock
ANDREWS of York

Representatives:

FLETCHER of Winslow
EMERY of Cutler
KAELIN of Winterport
CRESSEY of Cornish
PERCY of Phippsburg
EDER of Portland
ADAMS of Portland

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

Signed:

Senator:

SULLIVAN of York

Representatives:

DUGAY of Cherryfield
ASH of Belfast

READ.

On motion of Representative PERCY of Phippsburg, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

SENATE PAPERS

Bill "An Act To Implement the Recommendations of the Commission to Study Maine's Community Hospitals"
(S.P. 620) (L.D. 1673)

Came from the Senate, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 429) (L.D. 1250) Bill "An Act Regarding Shellfish Harvesting" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-170)**

(S.P. 502) (L.D. 1477) Resolve, Preventing the Upstream Migration of Exotic Species past the Fish River Falls and into the Fish River Watershed Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-169)**

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 **LABOR** reporting **Ought to Pass** on Bill "An Act To Amend the Laws Concerning the Maine State Retirement System"

(H.P. 299) (L.D. 396)

Signed:

Senators:

STRIMLING of Cumberland
SNOWE-MELLO of Androscoggin
BARTLETT of Cumberland

Representatives:

SMITH of Van Buren
DRISCOLL of Westbrook
JACKSON of Fort Kent
HALL of Holden
HUTTON of Bowdoinham
DUPREY of Hampden
TUTTLE of Sanford
HAMPER of Oxford
CLARK of Millinocket

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

Signed:

Representative:

CRESSEY of Cornish

READ.

On motion of Representative TUTTLE of Sanford, the Majority **Ought to Pass** Report was **ACCEPTED.**

The Bill was **READ ONCE** and was assigned for **SECOND READING** Tuesday, May 17, 2005.

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-351)** - Minority (3) **Ought Not to Pass** - Committee on **MARINE RESOURCES** on Bill "An Act To Amend Maine's Shellfish Laws To Maintain Compliance with Federal Law and Protect Maine's Shellfish Industry"

(H.P. 1013) (L.D. 1449)

Which was **TABLED** by Representative PERCY of Phippsburg pending her motion to **ACCEPT** either Report and later today assigned.

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

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

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

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

ROLL CALL NO. 143

YEA - Adams, Annis, Ash, Austin, Babbidge, Beaudette, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Cebra, Churchill, Clark, Craven, Cressey, Cummings, Curley, Curtis, Daigle, Davis G, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Duprey, Eberle, Eder, Edgecomb, Emery, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Glynn, Grose, Hall, Hamper, Hanley B, Harlow, Hogan, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Koffman, Lansley, Lerman, Lindell, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McFadden, McKenney, McLeod, Merrill, Miller, Millett, Mills, Moody, Moore G, Moulton, Muse, Nass, Norton, Nutting, O'Brien, Ott, Paradis, Patrick, Pelletier-Simpson, Percy, Perry, Pilon, Pineau, Pingree, Pinkham, Piotti, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Sampson, Saviello, Schatz, Sherman, Shields, Smith N, Sykes, Tardy, Thomas, Thompson, Twomey, Valentino, Vaughan, Walcott, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Bierman, Bishop, Clough, Collins, McKane, Rector, Seavey, Trahan.

ABSENT - Barstow, Berube, Bryant-Deschenes, Carr, Crosby, Crosthwaite, Davis K, Goldman, Greeley, Hanley S, Lewin, Lundeen, Plummer, Rines, Smith W, Stedman, Tuttle, Watson.

Yes, 125; No, 8; Absent, 18; Excused, 0.

125 having voted in the affirmative and 8 voted in the negative, with 18 being absent, and accordingly Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-351)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 17, 2005.

On motion of Representative KOFFMAN of Bar Harbor, 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**.

On motion of Representative BLANCHARD of Old Town, the House adjourned at 6:45 p.m., until 9:00 a.m., Tuesday, May 17, 2005 in honor and lasting tribute to Phyllis Cecilia Browne Hanley, of Gardiner.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought Not to Pass** on Bill "An Act To Prevent Algae Blooms in Gulf Island Pond"

(H.P. 1078) (L.D. 1533)

Signed:

Senators:

COWGER of Kennebec

SNOWE-MELLO of Androscoggin

Representatives:

KOFFMAN of Bar Harbor

JOY of Crystal

THOMPSON of China

ANNIS of Dover-Foxcroft

EBERLE of South Portland

DAIGLE of Arundel

DUCHESNE of Hudson

ROSEN of Bucksport

TWOMEY of Biddeford

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

Signed:

Representative:

SAVIELLO of Wilton

READ.