

MAINE STATE LEGISLATURE

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

Volume II

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May 26, 2005 – June 17, 2005

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ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
SECOND REGULAR SESSION
24th Legislative Day
Thursday, March 16, 2006

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

Prayer by Reverend David Abbott, Belfast United Methodist Church.

National Anthem by Boothbay Region YMCA Y-ARTS Youth Chorus and Boothbay Region High School Jazz Ensemble.
Pledge of Allegiance.

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

The Journal of Tuesday, March 14, 2006 was read and approved.

SENATE PAPERS

The following Joint Order: (S.P. 808)

ORDERED, the House concurring, that the Joint Standing Committee on Taxation shall report out, to the Senate, a bill to clarify the sales tax exemption as it relates to ambulance services.

Came from the Senate, **READ** and **REFERRED** to the Committee on **TAXATION**.

READ and **REFERRED** to the Committee on **TAXATION** in concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 403)

STATE OF MAINE

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

March 10, 2006

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 bill out "Ought Not to Pass":

L.D. 1978 An Act To Amend the Maine State Grant Program
We have also notified the sponsor and cosponsors 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. 404)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

March 10, 2006

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 Health and Human Services has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1808 An Act To Streamline MaineCare Billing

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

Sincerely,

S/Sen. Arthur F. Mayo, III

Senate Chair

S/Rep. Hannah Pingree

House Chair

READ and **ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 405)

STATE OF MAINE

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

March 10, 2006

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. 1811 An Act Regarding Child Custody Evaluations

L.D. 1837 An Act To Protect Retirement Funds

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 Simpson

House Chair

READ and **ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 406)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON UTILITIES AND ENERGY**

March 10, 2006

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 Utilities and Energy has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1440 An Act To Encourage the Implementation of High-speed Internet Access in Rural and Isolated Areas

L.D. 1858 An Act To Improve Cell Phone Service in the State

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

Sincerely,

S/Sen. Philip L. Bartlett II

Senate Chair

S/Rep. Lawrence Bliss
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 407)

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

March 14, 2006
Honorable Millicent M. MacFarland
Clerk of the House
2 State House Station
Augusta, ME 04333-0002
Dear Clerk MacFarland:

Pursuant to my authority under Title 10, §1079, (1) (B), I have appointed Eloise Vitelli of Arrowsic to the Advisory Committee on Family Development Accounts.

Should you have any questions regarding this appointment, please do not hesitate to contact me.

Sincerely,
S/John Richardson
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 402)

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

March 14, 2006
The Honorable Beth Edmonds
President of the Senate
The Honorable John Richardson
Speaker of the House of Representatives
122nd Legislature
State House
Augusta, ME 04333

Dear Madam President and Mr. Speaker,
Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Business, Research and Economic Development from the review and evaluation of the Maine Development Foundation under the State Government Evaluation Act. In its review, the Committee found that the Foundation is operating within its statutory authority.

Sincerely,
S/Senator Lynn Bromley
Chair
S/Representative Nancy Smith
Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (S.P. 805)

**STATE OF MAINE
122ND MAINE LEGISLATURE**

March 9, 2006
Sen. Lynn Bromley
Senate Chair, Joint Standing Committee on Business, Research and Economic Development
Rep. Nancy E. Smith

House Chair, Joint Standing Committee on Business, Research and Economic Development
122nd Legislature
Augusta, ME 04333

Dear Senator Bromley and Representative Smith:

Please be advised that Governor John E. Baldacci has nominated the following for reappointment to the Maine Rural Development Authority Board of Trustees:

Edward A. Cormier of Minot
Alain M. Ouellette of Fort Kent

Pursuant to Title 5 M.R.S.A. §13120-D, this nomination will require review by the Joint Standing Committee on Business, Research and Economic Development and confirmation by the Senate.

Sincerely,
S/Beth Edmonds
President of the Senate
S/John Richardson
Speaker of the House

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

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

The Following Communication: (S.P. 806)

**STATE OF MAINE
122ND MAINE LEGISLATURE**

March 7, 2006
Sen. John M. Nutting
Senate Chair, Joint Standing Committee on Agriculture, Conservation and Forestry
Rep. John F. Piotti
House Chair, Joint Standing Committee on Agriculture, Conservation and Forestry
122nd Legislature
Augusta, ME 04333

Dear Senator Nutting and Representative Piotti:
Please be advised that Governor John E. Baldacci has nominated Seth Bradstreet, III of Newport for appointment as the Commissioner of the Department of Agriculture, Conservation and Forestry.

Pursuant to Title 7 M.R.S.A. §1, this nomination will require review by the Joint Standing Committee on Agriculture, Conservation and Forestry and confirmation by the Senate.

Sincerely,
S/Beth Edmonds
President of the Senate
S/John Richardson
Speaker of the House

Came from the Senate, **READ and REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY.**

READ and REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Amend the Definition of 'Municipality' as It Relates to the Maine Municipal Bond Bank Act" (EMERGENCY) (H.P. 1466) (L.D. 2072)

Sponsored by Representative SHERMAN of Hodgdon.
Cosponsored by Senator CLUKEY of Aroostook and Representatives: ANNIS of Dover-Foxcroft, CHURCHILL of Washburn, CURTIS of Madison, EDGECOMB of Caribou, JOY of Crystal, MOULTON of York.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

Sent for concurrence.

Bill "An Act To Create the Taxpayer Bill of Rights" (I.B. 1) (L.D. 2075)

Transmitted to the Clerk of the 122nd Maine Legislature by the Secretary of State on March 15, 2006 and ordered printed.

On motion of Representative WOODBURY of Yarmouth, the Bill was **REFERRED** to the Committee on **TAXATION**.

Sent for concurrence.

Pursuant to Resolve

Department of Administrative and Financial Services

Representative WOODBURY for the **Department of Administrative and Financial Services** pursuant to Resolve 2005, chapter 110, section 1 asks leave to report that the accompanying Bill "An Act To Bring Maine's Sales and Use Tax Law into Conformity with the Streamlined Sales and Use Tax Agreement"

(H.P. 1467) (L.D. 2073)

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

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

Sent for concurrence.

ORDERS

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 56)

ORDERED, that Representative Richard B. Brown of South Berwick be excused Tuesday, February 28th and Thursday, March 2nd for health reasons.

AND BE IT FURTHER ORDERED, that Representative Howard E. McFadden of Dennysville be excused Tuesday, February 28th for health reasons.

AND BE IT FURTHER ORDERED, that Representative Robert W. Nutting of Oakland be excused Tuesday, March 7th and Thursday, March 9th for health reasons.

READ and **PASSED**.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the following members of the Maranacook Community High School Boys Basketball Team, on its winning the 2006 Class B State Championship: players Mikey Roberts, Nate Mason, Justin Denbow, Kevin Leary, Mike Poulin, Ryan Martin, Will Bardaglio, Devin Gerrity, Brandon Galouch and Chris Hewett; captains Bryce Spalding, Jimmy Palmer and Dylan Collins; Head Coach Rob Schmidt; J.V. Coach Dave Poulin; Freshman Coach Paul Bean; and managers Neal Morton, Kallie Glover and Lindsay Laferriere. We extend our congratulations to the team on this achievement;

(SLS 993)

On **OBJECTION** of Representative FLOOD of Winthrop, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Winthrop, Representative Flood.

Representative **FLOOD**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am so glad that the Maranacook boy's basketball team could be here with us today. This gives me the opportunity to thank them once again for bringing so much excitement and good will to our community this winter. This is the first boys' basketball state championship for the school. There are several individual members of this team and their head coach who have received significant awards this year for their personal achievements yet I am sure that they would be the first to say how important it is that their entire team worked so well together and that the team's success and recognition is what has been so special and memorable for them and for the community. What I would like to add is that what struck me observing the team this year was the way that they achieved those goals. Very quickly you could see that there were significant roles for each player and they were different roles and you could tell by the way that they interacted with each other, whether on the bench, on the floor or before or after games that they cared for each other. They cared for their coaches, they listened to their coaches and the coaches listened to them. There was no swagger, no hollering, no individualizing and they were able to utilize their collective strengths in many different ways, unselfishly and with great effectiveness.

I know that earlier this year we discussed in this chamber a concept of Sports Done Right. I am quite sure that when I observe this team's behaviors, their work ethic, their communication and their skills that I am seeing sports done right. In their weaker moments and in their greatest moments it was done right. I am proud of the team because of their patience, their supportive style and also because these guys can play hoop. I want to thank the coaches for being such outstanding and constructive role models and for bringing out the best in all of these young people. I wish the coaches, the managers and the players continued success and I hope that you enjoy this time and that you enjoy these memories. Thank you Mr. Speaker.

Subsequently, the Sentiment was **PASSED** in concurrence.

Recognizing:

the following members of the Sanford High School Girls Basketball Team, on their winning the 2006 Class A State Championship: players Kayla Winsor, Karyn Plante, Coleen Kumka, Kayla Plante, Samantha Jean, Lauren L'Heureux, Beth Fredette, Stephanie Butsicaris, Jill Boyce, Mary Roberts and Marissa Laferte; captains Ashley Jean, Kayla Parker and Ruthie Briggs; and coaches Kristy Parent, Kendra Brown and Nate Mann. We also acknowledge the support of Athletic Administrator Gordon Salls, Principal Allan Young and

Superintendent Jack Turcotte. We extend our congratulations to the team on this remarkable achievement;

(HLS 1705)

Presented by Representative TUTTLE of Sanford.
Cosponsored by Representative NASS of Acton, Representative BOWLES of Sanford, Senator COURTNEY of York.

On **OBJECTION** of Representative TUTTLE of Sanford, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **TUTTLE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I speak to you today with high emotions. They say that great players win games, but that great teams win championships. No team wins a championship without excellent leadership and the Sanford girl's basketball team had three of the best in Kayla Parker, Ashley Jean and Ruthie Briggs because they led by example.

Ruthie Briggs sacrificed points to concentrate on stopping the other teams best offensive player. Kayla Parker, the complete player, never failed to give credit for her own teammates instead of herself. And, for those accomplishments the latest was named Miss Maine basketball for 2006. Ashley Jean, a great shooter and the heart and soul of the team, sacrificed shots to get the ball to teammates for better inside shots. There is a picture of Ashley's grandfather, Red Nadeau, in the back of the House, sitting in seat number 20, which is right down here. He is in the front row in the 103rd legislature in 1967, the last time that the Sanford boy's team went to the finals. He is the one that gave me my start in politics. Also, a special note, Mr. Speaker, to Beth Fredette, who had her knee operated on last Tuesday, for playing injured. She played the most fearless and courageous game of any basketball player that I have seen in years and we couldn't have won without her.

Finally, to Coach Kristy Parent who put all the pieces together to make us all believe once again. So, Mr. Speaker and men and women of the House, cheer, cheer for Sanford High. Ours will be victory by and by. Come on team let's fight, fight, fight. Fight for the red and for the white. Come on old Sanford we have got to win. Fight till the finish; never give in; never let your spirit die. Come on old Sanford High. Mr. Speaker if you would introduce the team in the balcony I would greatly appreciate it.

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

Representative **BOWLES**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. It is with great pride and pleasure today that I stand to congratulate the girls from Sanford High. It is a very special team obviously because they have a very special accomplishment. It is particularly personal for me, not just because I know so many of the girls and have watched them grow up over the years, but also because I have such respect and admiration for their coach.

You know that you are approaching a certain age when you have teams in here and you can say to yourself that you coached the coach. Well, for a number of years, from the time Kristy Parent was about eight years old to the time when she was about 13, Kristy and I spent about three days a week together in softball. She was a gifted athlete in that sport as well and I am delighted with what she has accomplished in her life and I am so very proud. I am also very proud of our school Principal, Allen Young – who is here today I believe – our Superintendent, Jack Turcotte and our Athletic Director, Gordon Salls. I am proud of them because they have created an atmosphere and a culture in Sanford of wanting to achieve and surpass expectations, whether athletically or academically. So, I congratulate you all and, Mr.

Speaker, I am about to violate a rule of the House saying that I may not use a prompt, however we are so proud of this that I want everyone to see it and I congratulate again the girls of the Sanford High State Class A Championship basketball team.

The **SPEAKER**: The Chair recognizes the Representative from Acton, Representative Nass.

Representative **NASS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. It is truly an honor for me to be here with my girls, the Class A state champs. I say "my girls" because I have had the pleasure of either teaching some of these girls at the Sanford Junior High School, watching them grow in my community, or seeing them at my church. I have watched them grow in mind and spirit and they are dedicated to being champions both academically, as well as athletically. They are truly role models for our community. I congratulate them, their coaches, this school and, most of all, their parents, who have made them who they are. I am truly proud to know them. Thank you Mr. Speaker.

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

Recognizing:

the following members of the Lisbon High School Wrestling Team, who won the Class C State Championship: Nick Adams, Mike Bolduc, Cam Bubar, Tyler Clark, Dan Cornell, Jeff Cossar, Andrew Dubois, Ryan Giusto, Kelsey LeGloahec, Rachel LeGloahec, Mark Stambach, Rob Tietjen and Elijah Trefts. We also wish to honor the team's head coach, Mark Stevens, and assistants Bob Earle and Ted Albasini. We extend our congratulations to the team on this accomplishment;

(HLS 1706)

Presented by Representative BERUBE of Lisbon.
Cosponsored by Senator NUTTING of Androscoggin, Representative VAUGHAN of Durham.

On **OBJECTION** of Representative BERUBE of Lisbon, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Lisbon, Representative Berube.

Representative **BERUBE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. A few weeks ago I had the distinct honor of presenting two state championship teams from Lisbon High School to this assembly, namely the Class C football and cross-country teams. Today I again have the honor of helping all of us to recognize yet another championship team from Lisbon. That team is the Lisbon Class C state wrestling championship team for the current year. Lisbon wrestling has become well known throughout the state as well as in Lisbon. High standards of conduct and training set several years ago have led this team to a tradition of winning. Even more importantly, hard work, discipline and commitment have instilled priceless life skills and good character traits into all who participate.

Lisbon High School has won four state championships in the last six years. Lisbon High School has produced 28 individual state-wrestling champions, many of whom have gone on to wrestle in Division I and Division II colleges. With the team today is it's head coach, a 1982 graduate of Lisbon High School and he himself a Class A state wrestling champion. On behalf of the citizens of Lisbon and the faculty and students of Lisbon High School I am, indeed, proud to recognize these outstanding student athletes. Thank you, Mr. Speaker.

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

Recognizing:

Roland Boutin, of Lewiston, recipient of the 2006 John F. Murphy Homes, Inc., Lifetime Service Award for his many years of helping integrate people with disabilities into the community. Mr. Boutin is the father of a child with mental retardation and he has spent the past 50 years working to create a better life for people with disabilities. He has supported John F. Murphy Homes, Inc., since 1952 and became a board member that year. Mr. Boutin exemplifies the best in Maine people who give with selfless dedication to their communities. He has been a model citizen, husband and father, and we acknowledge the many contributions to his community and to the State of Maine. We send him our congratulations and best wishes on his receiving this well-deserved honor;

(HLS 1717)

Presented by Representative CRAVEN of Lewiston.

Cosponsored by Senator ROTUNDO of Androscoggin, Representative SAMPSON of Auburn, Representative MAKAS of Lewiston, Representative WALCOTT of Lewiston, Representative O'BRIEN of Lewiston.

On **OBJECTION** of Representative CRAVEN of Lewiston, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Resolve

Representative BLISS for the **Joint Standing Committee on Utilities and Energy** on Bill "An Act Regarding Energy Efficiency Standards for Residential Rental Properties"

(H.P. 1468) (L.D. 2074)

Reporting **Ought to Pass** pursuant to Resolve 2005, chapter 109, section 4.

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE** and assigned for **SECOND READING** Tuesday, March 21, 2006.

Refer to the Committee on Business, Research and Economic Development Pursuant to Joint Order

Representative SMITH for the **Joint Standing Committee on Business, Research and Economic Development** on Bill "An Act Relating to Payday Loans"

(H.P. 1469) (L.D. 2076)

Reporting that it be **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** pursuant to Joint Order 2005, H.P. 1433.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**.

Sent for concurrence.

Refer to the Committee on Natural Resources Pursuant to Resolve

Representative KOFFMAN for the **Joint Standing Committee on Natural Resources** on Bill "An Act To Increase Wetland Protection"

(H.P. 1465) (L.D. 2071)

Reporting that it be **REFERRED** to the Committee on **NATURAL RESOURCES** pursuant to Resolve 2005, chapter 37.

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

Sent for concurrence.

Divided Report

Majority Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Resolve, To Require the Department of Professional and Financial Regulation To Suspend Recently Enacted Rules Pertaining to the Office of Licensing and Registration, Board of Boilers and Pressure Vessels (EMERGENCY)

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

Signed:

Senator:

DOW of Lincoln

Representatives:

RECTOR of Thomaston

ROBINSON of Raymond

AUSTIN of Gray

BERUBE of Lisbon

O'BRIEN of Lewiston

SMITH of Monmouth

CROSBY of Topsham

JACOBSEN of Waterboro

FARRINGTON of Gorham

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-427)** on same Resolve.

Signed:

Senators:

BROMLEY of Cumberland

HOBBINS of York

Representative:

BEAUDETTE of Biddeford

Came from the Senate with the Reports **READ** and the Resolve and accompanying papers **INDEFINITELY POSTPONED**.

READ.

Representative BEAUDETTE of Biddeford moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative GLYNN of South Portland **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. 375

YEA - Adams, Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Berube, Bierman, Bishop, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant, Bryant-Deschenes, Burns, Cain, Campbell, Canavan, Carr, Cebra, Churchill, Clark, Clough, Collins, Craven, Cressey, Crosthwaite, Cummings, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Duprey, Eberle, Eder, Edgecomb, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Glynn, Goldman, Grose, Hall, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Joy, Koffman, Lansley, Lerman, Lewin, Lindell, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McCormick,

McFadden, McKane, McKenney, McLeod, Merrill, Miller, Millett, Mills, Moody, Moulton, Muse, Nass, Norton, Nutting, O'Brien, Ott, Paradis, Patrick, Percy, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Robinson, Rosen, Sampson, Saviello, Schatz, Seavey, Sherman, Shields, Simpson, Smith N, Smith W, Stedman, Sykes, Tardy, Thomas, Thompson, Trahan, Tuttle, Twomey, Valentino, Vaughan, Walcott, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - NONE.

ABSENT - Crosby, Emery, Greeley, Hotham, Kaelin, Moore G, Perry, Watson.

Yes, 143; No, 0; Absent, 8; Excused, 0.

143 having voted in the affirmative and 0 voted in the negative, with 8 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED**.

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

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-484)** on Bill "An Act To Improve the Water Quality and Safety of Phillips Lake"

(S.P. 691) (L.D. 1774)

Signed:

Senators:

COWGER of Kennebec

MARTIN of Aroostook

Representatives:

KOFFMAN of Bar Harbor

JOY of Crystal

ANNIS of Dover-Foxcroft

EBERLE of South Portland

DAIGLE of Arundel

DUCHESNE of Hudson

WHEELER of Kittery

THOMPSON of China

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-485)** on same Bill.

Signed:

Senator:

SNOWE-MELLO of Androscoggin

Representatives:

TWOMEY of Biddeford

ROSEN of Bucksport

Came from the Senate with the Majority **UGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-484)**.

READ.

Representative KOFFMAN of Bar Harbor moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative TWOMEY of Biddeford **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**

Not to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 376

YEA - Adams, Annis, Ash, Babbidge, Barstow, Beaudette, Berube, Bierman, Bishop, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Clark, Craven, Cummings, Curley, Daigle, Davis G, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Duprey, Eberle, Eder, Edgecomb, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Glynn, Goldman, Grose, Hall, Hanley S, Harlow, Hogan, Jacobsen, Jennings, Joy, Koffman, Lerman, Makas, Marean, Marley, Marraché, McCormick, McFadden, McKenney, Merrill, Miller, Millett, Mills, Moody, Moore G, Nass, Norton, O'Brien, Paradis, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Plummer, Richardson M, Rines, Robinson, Sampson, Schatz, Seavey, Simpson, Smith N, Smith W, Stedman, Sykes, Tardy, Thomas, Thompson, Tuttle, Valentino, Vaughan, Walcott, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Austin, Brown R, Bryant-Deschenes, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosthwaite, Curtis, Davis K, Hamper, Hanley B, Hutton, Jackson, Jodrey, Lansley, Lewin, Lindell, Lundeen, Mazurek, McKane, McLeod, Moulton, Muse, Nutting, Ott, Patrick, Pinkham, Rector, Richardson D, Richardson E, Richardson W, Rosen, Saviello, Sherman, Shields, Trahan, Twomey.

ABSENT - Crosby, Emery, Greeley, Hotham, Kaelin, Watson.

Yes, 105; No, 40; Absent, 6; Excused, 0.

105 having voted in the affirmative and 40 voted in the negative, with 6 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-484)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, March 21, 2006.

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-821)** on Bill "An Act To Allow Small Businesses To Participate in Liquor Sales"

(H.P. 1260) (L.D. 1820)

Signed:

Senator:

PLOWMAN of Penobscot

Representatives:

OTT of York

PINKHAM of Lexington Township

VALENTINO of Saco

MOORE of Standish

NASS of Acton

BROWN of South Berwick

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

Signed:

Senators:

MITCHELL of Kennebec

GAGNON of Kennebec

Representatives:

FISHER of Brewer

PATRICK of Rumford

TUTTLE of Sanford

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-821)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, March 21, 2006.

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Require the Commission on Governmental Ethics and Election Practices To Produce a Register of All Registered Lobbyists"

(H.P. 1262) (L.D. 1822)

Signed:

Senators:

PLOWMAN of Penobscot

GAGNON of Kennebec

Representatives:

FISHER of Brewer

OTT of York

PINKHAM of Lexington Township

MOORE of Standish

NASS of Acton

BROWN of South Berwick

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-822)** on same Bill.

Signed:

Senator:

MITCHELL of Kennebec

Representatives:

VALENTINO of Saco

PATRICK of Rumford

TUTTLE of Sanford

READ.

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

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the **Minority Ought to Pass as Amended** 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:

(H.P. 1404) (L.D. 2002) Bill "An Act To Give Superior Court Clerks and Deputy Clerks the Authority To Issue Process for the Arrest of Persons Charged with Crimes" (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass**

(H.P. 1206) (L.D. 1699) Bill "An Act To Improve Workplace Safety" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-828)**

(H.P. 1314) (L.D. 1874) Bill "An Act To Amend the Laws Relating to Corporations, Limited Partnerships, Limited Liability Companies and Limited Liability Partnerships" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-831)**

(H.P. 1340) (L.D. 1899) Bill "An Act To Allow the Display of POW-MIA Flags at Courthouses" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-827)**

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

(H.P. 1342) (L.D. 1901) Bill "An Act To Amend the Law Regarding Smoking in Private Clubs" (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-830)**

On motion of Representative PATRICK of Rumford, was **REMOVED** from the First Day Consent Calendar.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the **Unanimous Ought to Pass as Amended** Committee 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 Rumford, Representative Patrick.

Representative **PATRICK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. First of all I want to apologize to the committee chair and to the Republican lead for getting up and speaking on this motion. Basically, I am going to ask you to overturn a 13 to nothing decision. This is one issue that we had last year and it is technically a clarification of what we passed last year. I have belonged to non-profits for many years – it's actually 33 years I believe – and I have believed in everything that they have stood for, but this is one issue that I had always told them I would never support. I would never support a full ban on smoking, which I had never voted for. Last year the vote out of committee was also a unanimous vote. It was to basically do a similar thing, but it was to allow the club to take a vote and it was going to be a majority of 50 percent, plus one of the membership. This bill is going to basically do 50 percent of one plus one of those that vote. They probably had 50 to 75 people get up and speak and they said that it was totally undemocratic and I basically believe that it is sort of undemocratic because if I was to have to run for the Legislature and get 50 percent plus one of all of the people in my district the chances are that I wouldn't be here and probably very few people would be because, in half the districts, probably 50 percent of the people don't even vote.

I had a situation at work. We decided as to whether or not we wanted to go to 12 hour shifts and the stipulation was that if you wanted 12 hour shifts then you had to get 66 percent of the people to support that motion and I said that we could do that no problem. Well, I got all the people to go and got them to vote and we only got 58 percent and I was totally disheartened because we really wanted that and it took me probably four votes in a year and a half to finally convince them, but we worked and worked and worked to make sure that something happened. It turns out that people would never go back because they love and enjoy the 12-hour shifts and the extra time off.

Seventy nine or eighty percent of the veterans that testified don't even smoke, but because of the issue they thought that it was undemocratic. They thought that we should change what we did last year and it had huge support last year. It was 13-0 out of committee and it had a big vote in the House and the Senate and it was passed, but the bill wasn't 100 percent clear. I guess there was something between the summary and what was in the bill. They couldn't enforce it. Many of the clubs now in my community have gone with the bill that says that you have to get a vote of 50 percent plus one of your membership and are wondering if they are going to have to have another vote and now that they finally realize the benefits of not smoking in the organization they are going to have to go back to the chance that if the minority has an opportunity to take over then they are going to now have a chance to get smoking back.

In my organization I would have to think that about 70 percent do not smoke and, as in most places statewide, close to 79 percent of the people don't smoke. I can't remember the exact figures right off hand, but I would ask you to consider overturning this and if we have to, reclarify what we had last time and go back to what we had last year, which is what we all supported. Thank you Mr. Speaker.

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 certainly appreciate the comments of my good colleague from Rumford, Representative Patrick. I know that this has been a very challenging issue for our committee. I think as many will remember, last year we passed a bill that said if private clubs want to continue smoking then they had to have a vote. In the course of this last year this whole voting process became very, very complicated and if you have an Elks Club or a Legion Hall or something else in your district I have a feeling that you probably got a phone call.

The good Representative from Woolwich, Representative Grose, put in a bill to try and clarify the process. The bill that we passed last year required a majority of all members to vote to allow smoking in their club. Many of these organizations came to testify and they said that this year they have 200 members who are members of the club and who never show up and aren't involved, so to get 101 of those 200 members to vote in favor of smoking would not have been possible. They made the argument that if, as Representative Patrick said, we all had to get the majority of our voters to vote for us in order to win, not just those voting, then we would have a hard time. So, after a lot of back and forth, this was an incredibly complicated and difficult bill. We ended up getting a Unanimous Report out of our committee to clarify that the majority of those voting would be acceptable. For those clubs that have already gone about allowing smoking or banning smoking or whatever their vote ended up being they can keep that vote. They were in a transition period and we said that clubs had to vote every three years so if they have already done it and the process was fair and good that vote will last for another three years. If they didn't end up having a vote – some clubs haven't voted yet – they would have to go by this new process. The amendment sets certain standards for the vote just to make it very clear saying that they have to have a 30-day notice that they will be voting and they have to allow absentee ballots etc.

I think that this is a fair solution and I am sure that the Elks and the Legions were upset about this and about us telling them what to do. We tried to find some middle ground. I think that we have done it. Our committee has made very positive strides to try to remove smoking from public places as much as possible. This was a challenging one and I think that we have come about the fairest solution up to this point. I urge you to support the Unanimous Ought to Pass as Amended Report. Thank you Mr. Speaker.

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

Representative CAMPBELL: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The ones that testified in front of our committee were mostly veterans. The one that was leading this group was in a wheel chair and I talked to him after, but I also said over there, and I will say it here, if they were willing to go to war to fight for this country to protect me then who am I to tell them that they can't smoke in their own club. Thank you.

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

Representative GROSE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am the troublemaker; I brought this bill forward. I want you to know that I am not a smoker. I have never smoked. I tried it and thought that I was going to die gagging with it. I brought this bill because of my constituents. I belong to the Elks Club and to the American Legion Club in my area. I knew when I joined those clubs that there was smoking inside so when I put my card in to go into the clubs I know that I am probably going to stink when I come out. That is the choice that I made. I joined the clubs and I pay dues. Everyone who joins the clubs knows this. People go in that don't smoke and people go in that do smoke. That is their right.

When we brought this bill forward last year it was a tough bill, like Representative Pingree said. I am not for smoking. My dad died of cancer from smoking, but my constituents expressed to me their concern about the private clubs. I believe in a fair vote and that is something that didn't happen to all of the clubs because our law was so unclear. Even the Attorney General's Office told me, after several calls to them that they didn't even really understand it and that it was unconstitutional. From then on we worked on this at the Legion. All of the clubs in the state worked on this. There are thousands of members and all that my bill asks is that we have the right to have a fair vote either way. If there is smoking or non smoking that is the way that it goes. If you make a vote that is the way it should be. The way it was is that if you didn't vote than it was counted as a no vote. That is unconstitutional. That is not right. That is taking the rights away from us and I just really want to thank my committee for working with me so closely on this bill and I have some really tough committee members who actually voted for this and with the unanimous vote I think that says a lot. Thank you.

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. Has a roll call been ordered?

The SPEAKER: A roll call has been ordered. The Chair recognizes the Representative from Lewiston, Representative Walcott.

Representative WALCOTT: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. As one of those more difficult members when it comes to smoking bills that Representative Grose referred to, I would like to point out that this is a Unanimous bill, which means that even as an anti-smoker I supported it, the reason being that it is important to point out that if we don't pass this the current law is still in effect, which is, as the Representative from Woolwich, Representative Grose, pointed out as very confusing and unfair. It was not my intent as a member of the committee to make it as unfair as it was last year. To get 50 percent of all of your members to vote is a daunting task for any group and I am sure that all of us are members of groups that have members that may or may not show up at various times and I think that it is important to point out that this is the fix for the problem and if we don't pass the fix to the problem then the problem still exists. Thank you Mr. Speaker.

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

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

The SPEAKER: The Representative may pose his question.

Representative **CLOUGH**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As I read the wording in the amendment, which replaces the bill, it says that a qualifying club means a veteran's service organization chartered under 36 United States Code, subtitle II Part B, 2004 that is not open to the public or to any other club that was not open to the public and that was in operation prior to January 1, 2004. I would just like verification that it is not only for veterans and that this covers all clubs in the same manner - all private clubs?

The SPEAKER: The Representative from Scarborough, Representative Clough has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from North Haven, Representative Pingree.

Representative **PINGREE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. To answer the good Representative's question the bill does apply to veteran services clubs as well as all other private clubs like the Elks - I can't remember all of the names of them, but I am sure you have them in your towns. The reason that there was some discussion two years ago was that it was about clubs that were popping up that were not really clubs; they were just sort of organizations to allow smoking that were competing with bars and we didn't think that that was fair and so we only put this to existing clubs.

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

Representative **BRANNIGAN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I just wanted to comment on some of the earlier discussion when people said that if everybody voted in their district then they would be in trouble. If everybody voted in my district I would be doing a lot better.

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

Representative **PATRICK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I don't want to belabor this anymore, but I also commend the 13-0 decision. I have no problem with that and I probably could live with that although I am going to be a little bit disappointed. I have the utmost respect for what they did last year and what they did this year, but I will bring up a couple of other factors. We banned smoking in bars. I would have to say that most clubs now have probably got between 10 to 20 percent more people as members because you can't smoke in bars. We have made our bars non-competitive and every dog-gone bar in my vicinity has chastised me.

What does a vote from a club actually mean? You have a bylaw change, you have a building that is going to have renovations, you have voting for offices. If you have got one half of one percent of most members to go there to say whether or not they want to rebuild a building or vote for their offices you are lucky. In my club for instance, we have 1,800 members. If we got 80 members to show up to have an important vote than that is huge. 80 members out of 1,800, yet 77 to 79 percent of the people don't smoke.

I testified, I think three or four years ago, on the no smoking in bingo and beano halls bill and one of the figures that stuck out in my head was that whether you are a veteran or not a veteran, 65 percent of every healthcare dollar is directly or indirectly related to smoking - 65 percent of every healthcare dollar is directly related to smoking. So, when 77 to 80 percent of the State of Maine doesn't smoke you are basically telling me that we got a choice to not do it in a dog gone club if it smokes. You don't really have much of a chance to have a fair shake in voting against it, but that is all I am going to say. You can look at fairness in more than one way as far as I am concerned in 80

percent of the people. I just can't live with that either. Thank you.

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

Representative **CAMPBELL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I suggest that Representative Patrick take a stroll down here by the Governor's entrance if he is so concerned about smokers and stop the smoking that is going on out there and never mind worrying about the clubs.

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

Representative **CLARK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. When I signed onto this bill I had an original bill, but when a bunch of us put bills in we came under one. I didn't sign onto this bill because I was a smoker. I have never been a smoker; I detest smoking. But the process is what I had a problem with. I think that most people had a problem with the process. It was not so much the smoking as the way the organizations had to vote. I belong to most of these organizations: the DAV, the VFW, the American Legion, the Knights of Columbus, and the Elks. I know that when I go into those organizations they smoke and if I don't want to go in I don't go in, but I know it and I don't go in. I pay my dues. I am a member. I stay away. I go to functions, but the process is what I am voting on. The process put in place with this bill was totally wrong and that is what we wanted to change. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Old Orchard, Representative Hogan.

Representative **HOGAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am sorry to delay this, but this bill talks about fairness to clubs. There is no fairness when you talk about private bars. I have a lot of private bars in my community, as you may know. These people are actually getting killed by this type of bill and they are hounding me with phone calls about how we can allow private clubs to smoke or to not smoke by a vote and say that they can't have smoking in their club at all. There should be no smoking for anybody as far as I am concerned. I hate it. But, that is my concern. What about the private owners of clubs? What are they supposed to do?

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. Other stipulations in this amendment and in this bill say that a private club cannot do this without the consent of the employees. There is no smoking in a private club if you open it to the public. If you have a bean supper and open it to the public than there is no smoking, so it is only a private club that can do this. Again, to clarify the other point, this bill is an amendment to a previous law and it is a little bit confusing in the amendment and it does apply to all clubs and not just veteran's clubs. The clubs can make their own decision. The thing that we were faced with was that after all of these organizations agreed to a majority vote of all members, they found that they couldn't find all of the members. They are scattered all over the world among other things. They decided that since there is a certain group of people within the club who do the work and show up for the meetings and make the decisions and really take care of the thing then the ballot must be offered to everyone, there must be an option for absentee ballot, but only those who bother to vote are going to make the decision. That is the way that it is coming down.

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

ROLL CALL NO. 377

YEA - Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Berube, Bierman, Bishop, Blanchard, Blanchette, Bliss, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant, Burns, Campbell, Carr, Cebra, Churchill, Clark, Clough, Collins, Craven, Cressey, Crosby, Cummings, Curley, Curtis, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Duprey, Eberle, Eder, Edgecomb, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Glynn, Goldman, Greeley, Grose, Hall, Hamper, Hanley B, Hanley S, Harlow, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Joy, Koffman, Lansley, Lerman, Lewin, Lindell, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Miller, Millett, Mills, Moulton, Muse, Nass, Norton, Nutting, O'Brien, Ott, Percy, Pineau, Pingree, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Robinson, Rosen, Sampson, Schatz, Seavey, Sherman, Shields, Simpson, Smith N, Stedman, Sykes, Tardy, Thomas, Tuttle, Twomey, Vaughan, Walcott, Webster, Woodbury, Mr. Speaker.

NAY - Adams, Cain, Canavan, Crosthwaite, Daigle, Hogan, Moody, Paradis, Patrick, Perry, Pilon, Saviello, Smith W, Thompson, Valentino.

ABSENT - Bowen, Bryant-Deschenes, Dugay, Emery, Gerzofsky, Hotham, Kaelin, Moore G, Trahan, Watson, Wheeler. Yes, 125; No, 15; Absent, 11; Excused, 0.

125 having voted in the affirmative and 15 voted in the negative, with 11 being absent, and accordingly the Unanimous Ought to Pass as Amended Committee Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-830)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, March 21, 2006.

**CONSENT CALENDAR
Second Day**

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

(S.P. 687) (L.D. 1770) Bill "An Act To Amend the Laws Governing Licensure of Workers in the Field of Radiologic Technology" (EMERGENCY)

(S.P. 375) (L.D. 1058) Bill "An Act To Regulate the Use of Batteries Containing Mercury" (C. "A" S-483)

(S.P. 755) (L.D. 1965) Bill "An Act To Ensure the Ability of Municipalities To Provide Assistance to Their Citizens" (EMERGENCY) (C. "A" S-481)

(H.P. 1246) (L.D. 1806) Bill "An Act To Clarify Maine State Retirement System Benefits for Certain Legislators" (C. "A" H-824)

(H.P. 1294) (L.D. 1854) Bill "An Act To Expand the Alternative Aid Program" (C. "A" H-820)

(H.P. 1339) (L.D. 1898) Bill "An Act To Protect the Employment Rights of Military Reserve and National Guard Personnel" (C. "A" H-823)

(H.P. 1391) (L.D. 1985) Bill "An Act To Make Revisions to the Maine Revised Statutes Relating to Agricultural Fairs" (C. "A" H-825)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED AS AMENDED**

in concurrence and the House Papers were **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence.

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

**BILLS IN THE SECOND READING
Senate as Amended**

Bill "An Act To Limit Human Exposure to Mercury" (S.P. 465) (L.D. 1338) (C. "A" S-477)

Bill "An Act To Sustain Good Local Planning Practices" (EMERGENCY) (S.P. 719) (L.D. 1802) (S. "A" S-474 to C. "A" S-470)

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. **ORDERED SENT FORTHWITH**.

RESOLUTION, Amending the Constitution of Maine To Lower the Age of Eligibility for Election to the House of Representatives (H.P. 1353) (L.D. 1912) (C. "A" H-809)

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

On motion of Representative BARSTOW of Gorham, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended**.

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 Orono, Representative Cain.

Representative **CAIN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This is my bill and I am very proud to bring it forward to you today with a very bipartisan, yet very mixed 7-6 committee report. This bill came from a dedicated group of students that I know at the University of Maine who came to me and said, "I want to do more for my state, but I am not 21 and therefore I am not eligible to run like you have, Emily, for the House of Representatives in Maine." I am old basically.

Mr. Speaker before we take this vote I just want to outline a few of the reasons that were brought forward to the committee in a very compelling case that was made by the students. Students from the University of Maine, the University of Southern Maine, Saco, Gorham, Portland, Lincolnville, all showed up to testify on this bill. Young people, Mr. Speaker, who are very passionate about the State of Maine, like all of us. The reasons that they brought forward are very simple. If you can vote then you should be able to vote for yourself. If you can be tried as an adult in the court of law you should be able to shape the laws under which you will be tried. If you can serve your country in the military and even die for your country in war than you should be able to, at least, have the opportunity to run for office.

A few facts for the men and women of the House: 34 percent of states have 18 as the age to run for office, that is seventeen states. Of those 17 states, 14 have the age of 18 to run for the Senate. I looked at those states, Mr. Speaker. Take Montana for example. They have had 18 on the books for as long as they have been a state and have had a constitution to run for office and in all of that time there have only been two people who have

run under the age of 21. One of those is a state Senator by the name Jesse Lascovitch, who was elected to the House at age 19. He is a friend of mine; I met him at a conference. He said that the best thing about running for office at that young age is that he was able to bring those perspectives to the table. Young people don't run the State of Montana, but my friend who is now 25 and a state Senator, is able to contribute and has been contributing for many years. All other New England states and the Canadian providences that surround the state of Maine have 18 as the age to run for their elected bodies.

This is not about a lot of young people running the State House. This is not even about one or two people running for office. This is about giving people the opportunity who are passionate enough about the State of Maine to go door to door to their neighbors and say, "I want you to vote for me." All of us have at least once, if not many times before.

Some of the arguments against this Mr. Speaker: I have never met an 18 year old who is mature enough to run. I have met people older than that who probably aren't mature enough to run and that is okay because it is not about holding a seat. We are not holding a seat for anyone. We are simply opening the door a little bit, expanding it by three years and saying, "If you are passionate about this you can have the opportunity to run." Mr. Speaker, the best part of all is that if you don't like them than you don't have to vote for them. You don't have to write them a \$5 check; you don't have to do anything, don't put their sign on your lawn. The other arguments were that young people don't run for offices that they already can run for such as local and county level. Yes, they do Mr. Speaker. I went to a conference this year with over 70 young elected officials under the age of 35 in local county state and school board elections. Many of them had started under the age of 21.

In the Portland area, in Orono and nationwide we are seeing more young people step up to the plate and run for office. This week, in Orono for example, three people ran for town council, young people, and one under the age of 21. They all lost, but over 100 people voted for one of those candidates. Collectively, they got over 200 votes if you added them all up, and I think that that is exciting because those people engaged in the process. They made themselves more aware of what the town needs, and what the town's relationship with the state is, and what the issues are. This is not about guaranteeing a spot. It is about giving those willing to make the effort and sacrifice a chance.

Just a quick note Mr. Speaker. There is a fiscal note on this bill and I will tell you why. It is the standard, if this question were to go on the ballot and made it extra long, we would have to print two sides or longer pieces of paper then there would be a small fee to the State of Maine, but the fiscal note would be zero if there were not a lot of questions on the ballot. I am just asking everyone to think about this with an open mind and to remind yourselves that you don't have to vote for them. This is not about a floodgate of young people, although I was pleased to see yesterday that many young people have filed to run for office from both political parties – well, three or four political parties depending on how you count them. I am excited to give all of you the opportunity to show your support for the young people of the State of Maine and the passion that they share with me, and with all of you, for this state. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Frenchville, Representative Paradis.

Representative **PARADIS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I, too, rise in support of LD 1912. I was a high school teacher for 36 years. Over those years I saw the evolution of maturity among young people and I have also served as a legislative member of the

Legislative Youth Advisory Council and two or three years as Chair of that council and it was my total pleasure to be able to sit back and enjoy these young people. They can run a meeting and run it very well and I was there as a resource.

There is a simple fact that I mentioned on the floor before on another issue and that is that people get older at a younger age and stay younger at an older age. The effective range of civic awareness and responsibility continues to increase at both ends. We denied the lack of involvement of young people at election time. No wonder we adults have erected and continued to support barriers denying them the right of full participation. I urge everyone to vote for this measure it is really a good bill.

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

Representative **VALENTINO**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I stand up here to speak on LD 1912. My daughter called me a while back and said that she had a friend at Thornton Academy that wanted to come up to Augusta to speak in favor of this bill. He is a senior at Thornton Academy and the hearing was actually on a Friday and my first reaction was that it was on Friday and I don't have anything in Augusta so I won't be there. My second thought was that I am not in favor of this bill and I really don't support it, but then I thought of the person that had asked me to come up with him and he is a wonderful and bright student and I said that I would come up and ended up spending the entire day Friday testifying before the State and Local Government Committee. I see no better words than the words of this constituent when he testified. His name was Frank Brancely and he is a senior at Thornton Academy in Saco and he is also the student body president of the high school and he represents 1,200 students.

In his testimony Frank said, "I know that Maine has a strong voice that is seldom heard but often begs recognition. It is a voice of youth and of the future and the future, I believe, has a great deal of interest in our state. The world is very different now than it was ten years ago and then even five years ago. There are new concepts that we have to learn, that we have to insert on all levels and, in all branches of government. If the argument exists that we lack the experience than that argument is wrong. We have the experience to understand the intricate difficulties that the world threatens upon our daily lives. If there is a child somewhere who can't read, then it matters to me. If there is a senior citizen who can't pay for their prescription drugs and needs to make a choice between medicine and rent, then it matters to me. It is that core belief – that fundamental understanding – that we must help one another that makes our state work."

This gentleman drove up in the car with me and started quizzing me with questions about what was going on here in the state and on different bills and on books that I had read and who the authors of the books were and I must say that I was keeping my fingers crossed that he wasn't going to ask me to go into Dirigo because I think he knew more about what was going on and was more learned than I was. I also want to tell you that after his testimony I got up and spoke in favor of this bill even though I had been opposed to it myself.

I also want to read to you from the candidate requirements for county offices. You only have to be 18 years old to be a County Commissioner. To be a County Treasurer, to be the Register of Probate and to be the Sheriff you can be 18 years old. You only have to be 18 years old to be the district attorney or the judge of probate. There is a little asterisk after the district attorney and judge of probate that says candidate must be an attorney. So, if we all remember the days of "Doogie Howser" you could go to law school at 14 and could run for district attorney at 18 years

old. This is what it says. All that I am saying is that we have other offices where the minimum requirements are 18.

Admittedly, at first brush, we say that there is no experience. There are 151 of us in this body and I dare any one of us, including myself, to say that we are familiar with all of the bills that come before us. We rely on each other, we rely on our committees and we rely on our chairs to do the right things and I think that anyone 18 years old that comes up here, or 19, or 20, will do the same thing that we do. They, like us, will rely on each other for answers. I am sure that none of us have the technical experience on our cell phones and our computers that they may bring to us, or the knowledge of why we want to keep jobs here in the State of Maine and how to retain our college students and how to combat the "brain drain" and maybe we need somebody up here to give us some new, fresh, positive ideas on this and I can only say, quoting from Mr. Brancely's testimony, these are his words, "You hold my generation's future in your hand. Embrace it. We are going to make you proud some day." I urge you to support this bill. Thank you.

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

Representative **MOULTON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise today in opposition to LD 1912, which is before us. On Friday, January 27, I regret to report that I was home on the couch under doctor's orders, but I had the advantage of being able to listen to some very intelligent and impassioned speeches before the State and Local Government Committee on my computer. Having listened to the presentations that day and to the debate going on in the chamber I still regret to report that I oppose the bill for a number of reasons.

Back, quite a ways ago, in 1972 when I was 20 years of age, I was an intern with the Department of Human Services which was then on Middle Street in Portland and it is ironic that at the age of 20 I could choose to go out and have a beer but I couldn't vote. The law did not change lowering the voting age from 21 to 18 until sometime after I had reached 21 and I think that there are a few in this chamber that are in a similar position. However, at the same time the state has acted to increase the age for drinking from 20 to 21. The point that I am trying to make, Mr. Speaker, is that our society sometimes makes rules, which apply, presumably, to the majority of us. You will always find exceptions, but in the case of service in this House one of the requirements that you don't find in the constitution is simply a requirement that the people who serve in this House bring with them life experiences that we all contribute to this body to make rules, regulations and laws to better lives for the people of the State of Maine. This life experience which we are debating and which we all refer to is a key component of service in this House and personally I feel that we would be ill advised or served less well if we were to lower that age and just make it an easier matter for people to serve in this house. We want them to bring something with them. Life experience is a key component of that requirement for service in this House. Mr. Speaker and Men and Women of the House, I encourage you to vote in opposition to this bill. Not that we are trying to lay out road blocks to service for those young people coming up through the ranks, but merely to encourage them to bring more with them when they serve in this House. Thank you Mr. Speaker.

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. Like the good Representative from Frenchville and probably so many others of you I have put in my time as a high school teacher. I am amazed

at how bright and enthusiastic and forward thinking and able to think outside of the box today's high school students are.

Today I work at the University of Southern Maine. The students that I work with today are older, but they are amazing in their abilities. They can run circles around us in technology fields, in critical thinking fields, in interpersonal relationship fields. They are amazing and students get brighter and more adept every year. I am privileged here in the Legislature this term to sit next to the youngest member of the Legislature and, after you heard her speech here less than ten minutes ago, none of you could doubt that she is among the brightest, most enthusiastic and hardest working members of this body. Last term I also sat next to the youngest member of the Legislature, the good Representative from Presque Isle. There are none of you that would argue that he is also not among the brightest and hardest working and most critical thinking among us. They are our prize. They are our future. The idea of putting an arbitrary limit on the number of years that you must be alive to acquire some life experience before you are entitled to leap into this chamber just do not fit with what I have seen from the good Representatives from Orono and Presque Isle. I am very pleased to have sat next to both of them and I am very excited at what young people give to us in so many ways and I am delighted to support this bill. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Hogan.

Representative **HOGAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this bill and I understand that the good Representative, Representative Cain, is an outstanding Representative, but I believe, as Representative Moulton does, that you need some life experience to get to this level. You just cannot come to this level and expect to produce the way that you should. I relate to an experience when I was on the school board in Old Orchard Beach when a senior ran for the school board and got elected. The end result was that I had to pick her up for every meeting and actually encourage her to go. She would cry in the car because she was overwhelmed. That is not typical of all 18 year olds. I coached football for 17 years. They are terrific kids at 18 years old and very mature, but not for something like this. This is an ill-advised bill I do believe and I appreciate all the speakers before me, but I must say that I agree with Representative Moulton.

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

Representative **EDER**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise today in support of this legislation and I thank the good Representative from Orono, Representative Cain, for putting it in. It is really quite simple. If we want young people to be involved in the process and if we want them to stay here in the state and to get involved in shaping policy for the future we need to give them a stake. I support this legislation and I ask you all to support it as well.

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

Representative **BISHOP**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In the beginning, there was no one more opposed to this bill than myself. While I am finally old enough to no longer be embarrassed by the irresponsibility, immaturity and just plain stupidity that I wallowed in at 18 I know that looking truthfully backwards I could not, in my wildest flight of imagination, conceive of allowing me to be a Representative in this august body at 18. Thank heaven it is not me we are talking about. Now, though I am loath to admit it, my own history has left me prejudiced. I have seen the light.

Since I have a successful campaign under my belt I now fully realize the organization, the budgeting, the time and especially the commitment that even an unsuccessful campaign requires. Regardless of whether a campaign candidate is 18 or 80; in order to even compete, they must demonstrate to both their supporters and the uncommitted voters whom they hope to woo that they have the maturity of judgment, the sensitivity to ideas and emotions and the intelligence to understand complex issue and, finally, the total commitment to the ongoing experiment that we call Representative democracy. There are very, very few 18 year olds who have these qualities. But, if there is only one single 18 year old so endowed, and I believe that there probably are more than that, it would be a loss for this body, a loss for this state and a loss for the people of Maine if for no other reason than just remembering their own misspent youth. We deny that exceptional 18 year old the ability or the opportunity to serve his fellow citizens in this, which by law, is already their House of Representatives. Thank you Mr. Speaker.

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

Representative **BARSTOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I want to take this opportunity to emphasize a point that has been mentioned a number of times in the debate that we have heard this afternoon. There are 17 other states in this nation that have an 18 year old age requirement, including all of the New England states that surround us in this region. These states, whether you agree or disagree with individual measures that they may have passed or policies that they may have implemented on behalf of their citizenry have continued to survive and to be successful. They have continued to stand. We need to look at this not with an opening of the floodgates of a number of people between this three year age bracket where we are looking to expand the eligibility of coming into this chamber and altering the policies that we are looking to bring forth on behalf of the citizens of Maine, rather this is an opportunity to expand diversity. Whereas I am personally one of the younger members here in this body, I depend very much on my colleagues who may have more life experience. Further, beyond the age that I may hold and that others in this body may hold I depend a lot on the experiences that others in this body may have had or that I may not have experienced in my career or personal life. That is all very important. The thing that needs to be understood and we talk about one of one hundred and fifty one is really one of one hundred and eighty six if you count the other body. The fact that understanding that we are not going to have a slew of these candidates coming in right at once and, if you look at the other 17 states, that has not occurred, you need to look at the fact that there is a diversity and a balance amongst that membership. You may have a couple; I think we have four or five in this body that are under age 35 and looking at that segment. It is not a situation where you are putting one person with less life experience than another colleague and giving them the sole authority to govern and to make policy. This is a situation where you are expanding the diversity and expanding the opportunity for citizens to have their voices heard regardless of what their age is.

We have spoken time and time again on other pieces of legislation about the need to get our younger generations more civically involved and I would say, for that matter, that we need to get our whole population, regardless of age, more civically involved. This is an opportunity – even though the opportunity for local office, for regional office and county office may be out there – to allow them to serve at a level that may have more interest to them personally. It is not a matter of one institution being harder than the other. We have worked to be intergovernmental and to

serve all citizens no matter what level of government and this is a chance to expand that opportunity and get people with more diverse perspectives in here. I would hope that you would support this and help to make this institution more responsive to the citizens that we serve. Thank you Mr. Speaker.

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. I am going to ask you to vote to pass this. This is a bill that's time has come and its time has gone and let's put it into law now.

I have had the privilege in my lifetime of being a scouting coordinator for a Boy Scout troop for 5 years and I saw the growth pattern happen with these young kids when they came to us at a very young age and you work with them and teach them responsibility. One of the highest awards, and it is a little ironic, is that we honor all of our Eagle Scouts and all of the Girl Scouts that have received their highest rank because they have achieved adulthood when they have taken on a Boy Scout project to make the rank of Eagle Scout. Most of the time they are community based projects that go on and benefit the community that they live in or they help certain individuals.

There is a responsibility that comes with attaining the rank of Eagle Scout and they have to do it before the age of 18, but where do they go after the age of 18 with this leadership instilled in them for the years that they have been in the scouting program, both boys and girls. There is nothing much for them to do. Not every child in the State of Maine that attains the age of 18 will aspire to run for the House of Representatives. Many of them will go on to higher education and get their degrees and we will be blessed with the Emily Cains and the Jeremy Fischers and the other ones that are in here.

Life experience comes with a drawback and a handicap that many of us face here everyday. When you reach a certain age you have become set in your lifestyle, your mode of thinking and how you perceive things. I don't find that with the young people. I find them very open minded and willing to learn and accept things on face value for what is best for all of the people. I can't say that about myself, nor can I say it about everybody in this House, because we are creatures of habit and of our environment. That is good, but it also comes with a handicap. We form opinions before we have heard all of the facts. Young people, because of their ability to learn and to be receptive, have not formed those prejudice opinions about things.

I have to relate a wonderful story to you about the ability and aptitude of children to adjust to government. I was on the Bangor City Council for a good number of years and we had a bunch of young children come to us with a request for a skateboard park. Bangor didn't want to enter into a skateboard park because it is a liability and a half. We had parents and children work an agreement out. These kids – they were kids anywhere from 11 years old to 18 years old – raised the money and they built their own skate park. The city ended up donating the land for them. These children manage and police that skateboard park. Anytime you are in Bangor, if you all know where the Paul Bunyan statue is, I invite you to pull into the parking lot and watch these marvelous young people and what they can do. They walked it through they system of government. Two years – two years – they had to persevere to get permission to do this. We are missing the boat if we refuse to let some of these young and bright minds run to sit in this House. They are an asset we cannot afford to pass up. Ladies and gentlemen, I urge you to vote for passage of this and let's tell these young bright minds to stay in Maine and that they have a chance to form and mold their own future by serving their own state. Thank you Mr. Speaker.

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

Representative **BOWLES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Amending the Constitution of the State of Maine is a very serious undertaking as we all know, and obviously it is something that has to be given a great deal of consideration. I am not suggesting that the sponsors or supporters of the bill have not seriously considered the consequences, but I would ask you, as you prepare to vote, to think about it in different terms. The argument here or the issue here should not be whether or not 18 year olds are bright enough to serve in the Legislature. We could easily turn that into a joke and I don't want to go there. Of course there are 18 year olds who are bright enough. There is a question in my mind about 18 year olds that have an accumulation of life experiences that seriously prepares them to represent 8,500 of their fellow citizens. I would ask you these questions as you ponder your decision here. First of all, the age requirement as set forth in the Constitution of 21, 25 in the other body and 30 to serve on the second floor has been in effect since the constitution of Maine was adopted in 1820 so we are talking 185 years that this provision has been in effect and I have to ask what harm has befallen the state as a result of that provision and as a result of not having 18 year olds serve in the legislature or 19 or 20 year olds. I would also ask you to think about the statement that this makes in terms of the House and of the relativity between the House and the other body. The requirement to serve in the other body as I have already indicated is 25. By lowering our age does that not send a signal of some kind that this body is somehow less, that we somehow don't have the same standards, that for some reason we are not equal to people down the hall. I ask you to think very carefully before casting a vote in favor of this.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Blanchard.

Representative **BLANCHARD**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I had a lot of notes that I was going to speak upon as far as my opposition against this bill. I must first of all compliment my neighbor, Representative Cain for submitting the bill and I also must compliment the leader of the minority party for his comments about constitutional law and of the difference between the Senate and here in the House. I don't think that we are any different than those in the other body than we are here. One thing that I would like to state is that life experience does have a great deal to do with serving here.

As you have probably all heard we are going to have a crisis in my town and I am hoping that my life experience in the past will help and help my townspeople to get over the burden that they might have. I ask you to follow my light and vote in opposition to this bill.

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

Representative **CUMMINGS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. First of all, I want to thank several of you who sent notes over saying that those of us in favor of this should no longer use Representative Fischer as the role model. I do want to say two quick things. One is that in 1978 there was a legal decision in the State of Oregon. It was about whether the voting age should move from 21 down to 18. The legal decision was unambiguous. It said if you are going to sacrifice your life for this country you ought to have the right to vote. Now the right to serve and the right to vote are not absolutely the same. But let me argue that if my son or my daughter could be on the deserts of Iraq or the plains of Afghanistan today and they were 18 I would be proud to have

them serve in this House. That is more than enough experience than anyone should have to have.

Now, I think the good Representative from Sanford, Representative Bowles brings up a good point. I do want to remind you that the constitution as I understand it and some of the documents around the U.S. House of Representatives was very clear. That House was formed as a deep representation of the people and it is designed differently than the Senate, which has a responsibility and origin politically different from the House. The House was close to the people and I believe that that is parallel to where we are here in this House in Maine. So, I don't think that the distinction is significant. We are clearly superior from the other body. That will never be questioned. Thank you.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Babbidge.

Representative **BABBIDGE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As a teacher for 33 years I have seen a lot of students and I have seen immature students and I have seen mature students and I do believe that some of them at 18, 19 and 20 serving in this House could be dangerous and some of them could make major contributions, but I need to elaborate on that. I have also participated in an extracurricular activity called the Political Affairs Club where students volunteer to step forward and participate in conferences such as the state YMCA's Model Legislature, which is starting to organize now for this spring or the Mock Trial competition or the Model United Nations Conferences and so forth. The kids that step forward in those sometimes exceed expectations. They exceed others expectations, they exceed their own expectations. One of the points that I want to make here is that leadership skills, which social studies teachers like myself always are trying to achieve in the classroom, don't necessarily equate wisdom or ethics, but the fact is that that statement is not age specific. What young people have as a class is a real desire for fairness and I don't think that's a bad thing to bring to this body.

To not belabor the point made by the distinguished majority leader, I did grow up in an era where a young person could be commanded to give their life for their country and not have the opportunity to express themselves by voting at the polls. That was a grave injustice and I cannot, in good conscience, vote today to restrict the political rights of that age group. Finally, I don't think that support of this bill would open the floodgates to young people taking over this chamber *en masse*. The fact of the matter is that it may very well increase the political participation of an age group that is sorely underrepresented at the polls. But, the fact is, by us passing this bill those people that step forward and ask support for leadership will have to go through the same filter that the rest of us experience and that is the filter of democracy.

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

Representative **SCHATZ**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I am becoming distressed that this discussion is developing into "do we appreciate and honor our youth or not" and this upsets me because I think we all appreciate, honor and respect the intelligence and capabilities of people even younger than 18 and their ability to serve here. But I think it is an issue of credentials more than anything. We are not talking about age we are talking about credentials. We know that a person going into harms way after they have just joined the service at age 18 isn't going in as a Sergeant or a Lieutenant and we indeed are functionally equivalent to leaders in those roles and in order to achieve that leadership status I think it has to be earned. Indeed, it gets earned by going through a series of experiences. How many

times have I heard us discuss the experience gap that we all see when we sit in our committee. With term limits as they are we are faced with a stream of people who have a number of years experience in the agencies or as a lobbyist or with the administration or are providing us information and background in a very rapid sort of way that we have to respond to and all that we have to rely on is our experience and the experience of our compatriots and our analyst and those that work with us. I think that to require three years of post secondary experience is not a lot to expect of a credentialed person for this body. So, I want you to know that my vote in the red here is not with a lack of appreciation for the 18 year olds who might be able to take on this job, but it is for the greater good of the people we represent who deserve those three years of experience. 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 just wanted to follow up on my good colleague from Blue Hill, with whom I disagree. I just want to remind people that this bill creates the opportunity for people to run. We are not, through this constitutional amendment, electing 18 year olds. When I ran for office at the age of 24 most of my constituents did believe I was 18. I was very young. I had to knock on their doors and have a serious conversation about why I was running and what their concerns were and then I had to convince them to vote for me. I ran against a much older opponent who spent a lot of time telling people that I didn't have the life experience and that I had never had a job in my life, etc. But, I had to go out and tell people why I should be their Representative. They had the choice of whether or not to like me and I think the same thing is true with our 18 year olds.

I just wanted to also follow up on the comments of my good colleague from Old Orchard Beach about the young woman who served on the school board and who was crying. I just wanted to make the comment that I have seen a good number of you crying in the hallways as well. We have all shed some tears dragging ourselves in here every day. Serving in public office is very, very difficult and I think we all know how difficult the campaign seasons are and how difficult it is to be a member of this body and I think that everybody seriously considers the kind of commitment involved before they run and I think that the voters in our district seriously consider whether we are qualified before they vote for us. I think that giving 18 year olds the opportunity to put themselves out there is one thing and whether or not they could get elected is another thing. Mr. Speaker I strongly urge the men and women of the House to support this. We are giving people the opportunity to stand for election, we are not asking the people of Maine to vote for them. Thank you Mr. Speaker.

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

Representative **HARLOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think the military argument is a little bit fallacious. If you go in the military at 18 years old and serve two to three years in the military anyways then you can't run for office then. Am I wrong? I think I am right. You can go in at 17 with your parents' permission, but at 18 you have got to serve two, three or four years. The other thing is that going door to door nobody ever mistook me for being 18.

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

Representative **RINES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am not going to make the military speech. I don't think that that is necessarily appropriate. When I was 18 I wasn't ready to run for this body or

for the other body. But I did, while I was a senior in high school, take out nomination papers for and run and win a seat on the budget committee and hence started my political career. I say that because it is important to the argument of involvement of our "disenfranchised youth". It is something we hear every time there is an election cycle. Where are the younger voters? They are disenfranchised. Why? They don't have a connection, they don't have a voice and they don't have a way into the system. This seems to rectify that. In my first year as a freshman I sat next to the youngest representative at that time, at 21, the Representative from Orono, Representative Thomas. He did two terms and has now gone on to undergraduate work in Washington D.C. He is doing great things.

Experience is an interesting conversation. In my other life I work as a firefighter and when I came here the good Speaker put me on Utilities. I thought Public Safety might be a better place, but as a firefighter I learned that in the electricity world, "No line is safe to touch, evah!" And, I got home and got a light bill and paid the light bill. There is my experience in Utilities. Now three years later I am serving on Utilities as one of the senior members and I still don't understand utilities. When a utilities bill comes to this floor nobody here understands utilities. So, experience, I think, might be an argument that is a little overrated and is best stated many times before that we rely on each other and the experience that we all bring to the body and a younger person at the age of 18 will bring their own experiences.

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

Representative **FARRINGTON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I will be the last speaker on this topic. A number of people have mentioned life experience as the reason for opposing this bill and I would just like to point out that there are a number of experiences when the life experiences of 18 to 20 year olds could be of benefit to them in this body. There are a number of issues where younger citizens in this state have more direct and immediate life experience that is relevant to some of the issues that we face. I will give just one example in the interest of time.

Just last week we debated a bill about the merits of the MEAs versus the SATs. For most of us we have no direct experience with the MEAs and our experience with the SATs is probably a distant memory and I think in a case like that we would have benefited greatly from the life experience of 18 to 20 year olds who have dealt with assessments like this much more recently than we have. So, I think that the life experience issue is certainly relevant to this, but I think that it is not an entirely negative aspect. There are life experiences that younger members of the state have that we are less familiar with because we are a little farther away from those years. Thank you Mr. Speaker.

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

ROLL CALL NO. 378

YEA - Adams, Ash, Babbidge, Barstow, Bishop, Blanchette, Bliss, Bowen, Brannigan, Brautigam, Browne W, Bryant, Burns, Cain, Canavan, Clark, Craven, Crosthwaite, Cummings, Davis K, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Flood, Gerzofsky, Glynn, Goldman, Grose, Hall, Hutton, Jennings, Koffman, Lerman, Lindell, Makas, Marley, Marraché, Mazurek, McFadden, Merrill, Miller, Mills, Moody, Moore G, Paradis, Patrick, Percy, Pineau, Pingree, Piotti, Rector, Rines, Rosen, Sampson, Saviello, Smith N, Thompson, Tuttle, Valentino, Walcott, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Bierman, Blanchard, Bowles, Brown R, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosby, Curley, Curtis, Daigle, Davis G, Duprey, Edgecomb, Fitts, Fletcher, Hamper, Hanley B, Hanley S, Harlow, Hogan, Jacobsen, Jodrey, Joy, Lansley, Lewin, Lundeen, Marean, McCormick, McKane, McKenney, McLeod, Millett, Moulton, Muse, Nass, Nutting, Ott, Perry, Pilon, Pinkham, Plummer, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Schatz, Seavey, Sherman, Shields, Simpson, Smith W, Stedman, Sykes, Tardy, Thomas, Trahan, Twomey, Vaughan.

ABSENT - Beaudette, Berube, Emery, Greeley, Hotham, Jackson, Kaelin, Norton, O'Brien, Watson.

Yes, 74; No, 67; Absent, 10; Excused, 0.

74 having voted in the affirmative and 67 voted in the negative, with 10 being absent, and accordingly the RESOLUTION was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence. **ORDERED SENT FORTHWITH.**

Bill "An Act To Implement the Recommendations of the Attorney General's Working Group Regarding Sentencing Factors for Crimes against Persons Who Are Homeless"

(H.P. 1442) (L.D. 2046)

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

On motion of Representative TARDY of Newport, was **SET ASIDE.**

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended.**

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

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

Representative **BLANCHETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I do believe that this is the first time that you will hear any floor discussion on this bill that came before my committee. This was a carryover bill and I introduced it for the Joint Standing Committee on Criminal Justice and it was a carryover bill that was put together out of the results of the Attorney General's study that was commissioned and reported out in January '05, on discrimination against people who are homeless in Maine. This bill was discussed very heavily and looked into. We had people report to us from all over the place. The Attorney General himself has come out and said that what this bill will do is just insert the word into the statute so that when a homeless person is taken to court then the courts will take into consideration the fact that they were assaulted because and only because they were homeless. The same way when a police officer gets a call or a homeless person walks into a police station that their complaint is taken with every bit as much seriousness as someone who lives in a \$200,000 house and drives a brand new car. A hate crime is a hate crime is a hate crime and I don't care whom it is against. Everybody in this state and this country needs to, and should demand of their elected officials that their rights are protected under every law in this state and in this country. The homeless have been victimized many, many times and it is more prevalent down in the Portland area because of the geography of where everybody lives. Preble Street in Portland has had some heinous crimes committed against some of their residents due to no fault of their own. I come from the City of Bangor, where last week it was a grizzly coincidence that happened that a young man who was homeless was found burning under one of the bridges in my city. Now they

have not determined yet what the cause of death was, but this was a homeless young man and you have to stop and think what is happening. If you read the papers, and I am sure you all do, around the country these hate crimes are happening more and more, this is a very, very simple amendment to the statues in State of Maine.

A lot of you are familiar with the District Attorney from Portland, Stephanie, she came out and endorsed this. Everett Fowle from Kennebec County has endorsed this. It is unanimous from these people that have to enforce these laws to be taken into consideration and we need to do this. I do not want to be known as a legislator that voted that it was alright to ignore the rights of someone who wasn't quite as fortunate as we are. We have heard testimony and we have all said the same thing. Many people, including many of us sitting in this house, are only two weeks away from being homeless. I don't want to see smirks and grins from anybody because it has happened to very, very good people in trying circumstances.

We picked up the paper today and read that one of the mills in my neighboring communities is closing. Some of those people are only two weeks away from ending up in my shelter in Bangor through no fault of their own. It happens. Please, ladies and gentlemen, do the conscious, right thing and just let this one word that the courts and police departments have to take into consideration at the time of a violation that this person was assaulted only for the reason that they are homeless. I urge you to vote this out Passed to be Engrossed and put this to bed. We have got bigger fights to fight that are going to take longer. Thank you Mr. Speaker.

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

Representative **SYKES**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This bill aggravates, enhances and gives a tougher sentence to a person found guilty of assaulting a homeless person.

The reason is that the homeless are more vulnerable. I voted against this in committee and I voted against it for four reasons and would like to have an opportunity to explain my reasons. Reason number one, current law already allows a judge to give an aggravated a tougher sentence for any vulnerability and certainly the homeless are more vulnerable. Reason number two, a number of status categories are already listed in law and stated right in the law book for which an aggravated or tougher sentence may be given. Those categories are race, color, religion, sex, ancestry, national origin, physical disability, mental disability, pregnancy, sexual orientation and age. These categories, these status categories are for all practical purposes, not changeable. You cannot change your race, you cannot change your color, you cannot change your sex – at least easily. You cannot change your ancestry, national origin, disability and so forth. Homelessness is a condition not a status category. It is a condition that is changeable and is at least partially remediable. You are adding into this list something totally different. Reason number three, there is no statutory definition of homelessness. Are you homeless if you are 18 years of age and leave home to live on the street because you don't like your parent's rules? Are you homeless if you are 50 years of age and, for whatever reason, get thrown out of the apartment and end up living at the Y or in a shelter? There is no definition and that creates a problem. Reason number four, remember that current law states that the court may give a tougher sentence for any vulnerability. If we pass this bill to add homelessness to that list of status categories it is going to require the prosecutor to prove that the defendant elected the victim because they were homeless. Proof of this intent is very difficult and extremely rare and now to prove

that intent the prosecutor is going to have to prove that without a definition of homelessness. Those are my reasons for voting against this.

In committee we had a lot of discussion about this. Ladies and gentlemen of the House, there are many ways that we need to help the homeless and we talked about some of those in committee. This bill is not one of them. Thank you.

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

Representative GROSE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise because I think that this is really needed. It is about time that the State of Maine realizes that we have a homeless situation here. I heard people speak before my committee on this issue and a lot of these people aren't homeless because they want to be and not because they have a list of reasons why they want to be.

I am ashamed. Let me give you an example. I was in Portland by the park and a homeless man was standing there with a sign and some kids were in front of me with a car. They threw out a cup. It looked like a Dunkin Donuts' cup or whatever and hit the man. Now do you think this man is going to go to the police and report being struck by a cup of coffee. I felt bad driving all the way home and thinking about this. How many other instances happen to people that are out there? You know, bad luck or whatever it may want to be.

This isn't right. It is about time that we stood up and said something and did something with the homeless for a change. They are not bad people. They are just down on their luck or maybe they are involved in drugs or maybe they don't have a lot of money. But they do have services for these people and they are trying and I think that it is about time that we did something about it. I was really embarrassed by committee this one time. 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 getting up to speak to really just give you a situation. You think of homeless as being a city issue, but is a rural issue though you don't see it in rural areas.

When I lived in Farmington I had a young man who had to leave his house because of the abusive situation that he was in. He was living under the bridge in New Sharon and trying to go to school everyday because he intended to finish school and he found it difficult getting to school and being able to keep his wits about him to finish his goals and doing what he wanted to do. I had the advantage of finding out about him and I will say that I took him in for the six months that he had to finish school. But with the kind of incident that Representative Grose talked about it would have done a lot to explain how he could keep doing what he had for a goal. They may be down, but it isn't always a choice. Do you take somebody down and then take them down further because they are homeless? Think about this fellow and what would have happened to him if he had cups of coffee thrown at him as he was trying to get to school and finish the goals that he wanted to regardless of what he was dealing with. Think about this and vote for this. 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. I don't want to belabor this thing forever and I know that everybody is watching their watch, their stomachs are growling, they are hungry and they would like to take a break – so are the homeless people. They are hungry and they would like to take a break too. They

would like to go and get something to eat, but maybe they can't get by the gang that is standing there blocking their way into the soup kitchen where they could go and get a cup of soup. I am going to tell you right now ladies and gentlemen that I will stand here and tell you that I have, and everyone in this room probably – I guess I am making a broad assumption that I shouldn't make – has found in their lifespan that we all at one time or another judged on first impression. I do it on a regular basis where I work. I have to tell you that if I see one of my homeless people come into the store with their backpack and all of their possessions the first thing I do is to notify security to keep a camera on them. Why? Because the potential of them stealing is great. Why? Because they are hungry. I know why they are stealing, but as an employee I can't allow them to do that. I can give money and allow them to go to the soup kitchen and eat, but I can't allow them to steal from the company that I work for. That is passing judgment. Do I know? Did I know for a fact when that homeless person walked into my store that they didn't have the funds to pay for their food? I passed judgment without knowing. We have all done it in one aspect of our life or another. When someone comes in they act different than we perceive to be normal. They dress differently than we perceive to be correct and maybe, just maybe, there is the chance that they don't smell too well. Why? Can you imagine if they go into a shelter why these people can't go take a shower? Well, it's hard to take a shower with all of your worldly possessions that you own in your backpack have to stay out from under the water and somebody else is going to steal them. Put yourself in their shoes ladies and gentlemen. You have all been judgmental and I hate to tell you, but you have all been judged at one time or another. Someone may look at you and say, "That's not the brightest bulb in the pack." They have passed judgment on you haven't they and these people, these homeless people, some of them through no fault of their own, are reluctant to ever report these crimes.

I upset some of my fellow committee members and apologize for it because they thought that I was impugning the integrity of law enforcement when I said that law enforcement officers would form an opinion and might not take with the same seriousness an assault on a homeless person that they would on a wealthy person. Why wouldn't I say that? They are human beings just like everyone sitting in this room. I admit that I have been judgmental and have passed judgment on people and I don't think that I have any police officer in my city that is a saint. There is nobody that I am going to nominate for sainthood, I will tell you that. They are human beings, they do a good job, but we are a judgmental society. Class distinction is there every day of your life from the time you walk into the schoolroom in kindergarten until you graduate from university. There is a class distinction that is there. This will help protect the people that we are asked to protect – the people that don't have a voice in this Legislature. I don't know of anybody here that is an elected representative and that is homeless. I guess if they don't have a voice than I am their voice and I want us to give them the same treatment that every other citizen of the United States of America has, the right to be judged fairly for what they are, not what they look like and who you think they are. Thank you Mr. Speaker.

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. Yes I am delaying your lunch and yes maybe you will know what it is to be hungry, but what an important issue to hold you back on. The homeless, we don't get to talk about them very often here. We are usually doing other things and trying to give tax breaks for the wealthy so I am taking this time because, "but for the grace of God go I," and I tell

you that I have a bag lady that lives in my community and I have never been judgmental. As a matter of fact I have been intrigued and wanting to know why this lady lives the way she does. I have given her a ride many times and had many conversations with here and seen her on cold, cold nights and wondering how she can survive with all of her bags. She has a cat that she keeps inside her jacket to keep here warm and one day the cat was stolen from her. That was her life. How cruel people can be because we are judgmental. I can't think of a better way to stand up and say that we need to support this other than, "but for the grace of God go I." None of us know what can happen to us tomorrow. You think you know it all. I sat on the Biddeford City Council. Many times I would have this argument with my fellow councilors and say that, "I would never end up in the street like that. I would dig the ditch." But you don't know when you get sick or when cancer can take over or when your money can be lost and you just don't know that that person is not you and I applaud Representative Grose for this legislation. Thank you.

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 did not really know that I was going to speak on this, but I have finally realized why I will and I will be very brief. I am going to vote for Morris Littlefield. Some of you may know that in my earlier life I was an actor and I also studied as a sociologist. I remember reading a book called *Black Like Me* about someone who changed their skin color and experienced discrimination that they had never had the opportunity to experience as a white person.

As an actor I accepted the challenge to dress as a street person and I dressed like Morris Littlefield and then I met Morris on the streets in Portland and I followed him around for the day, in fact several days. Morris was the kind of street person who people put bottles out on the doorstep for. Morris was old and eccentric. He would go around with his cane and pick up pieces of paper that people threw down and he would shake his cane at people who threw cigarette butts on the ground and said, "You wouldn't treat a woman that way." He loved his city.

I can tell you that when I was dressed as a street person it was scary at times. I think that it is scary. Now Morris was probably not one of the veteran street persons. You may recall that I spoke earlier in the last session regarding a bill and I had, at that time, a statistic about how many homeless people are veterans. It is a significant number. I don't know that Morris was a veteran, but I do know what it is like to be scared because a group of people sees you as different. I will vote for this for Morris Littlefield. Thank you Mr. Speaker.

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

Representative CAMPBELL: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. One of my colleagues just said that we can do more than this bill. Why don't we just pass this bill and then write some more and do a little more for them then. So, I support this bill and hope that you will all support it and then we will pass some more legislation for the homeless.

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

Representative HANLEY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is true that when we did receive the Attorney General's report on homelessness there was one thing that was missing from it, any mention of this. But there were some interesting facts from that report along with another report that we got. First off, only 21 of the 48 shelters in Maine elected to respond to the survey and

only 2 of the 140 police departments responded to the survey. One of the leading questions in the survey was to homeless shelters, "Have you experienced crimes of violence against homeless people?" Seventeen of the twenty-one responding shelters said no. All of the police departments that responded said no. But there was a common theme that came through both of these reports and one that we have somewhat ignored and that is that the homeless people, the shelters and the advocates cried out for four things. They were affordable housing for homeless people, mental health resources for homeless people, substance abuse resources for people to deal with their problem and employment opportunities. No mention was ever made of this law. No other state in the nation has this law on the books yet many states have tens of thousands of homeless people, unfortunately. They must know something that we don't know. If passed this could easily open a floodgate of other groups coming forth and wanting to enhance special protection under the law.

Last session, for the Maine Criminal Justice Academy, we approved a bill to train officers to deal with homeless people and to help them report crimes and protect themselves. The Criminal Justice Committee asked for, but never got a definite definition of what homelessness is. There were attorneys in the audience at that public hearing and the work sessions as well as representatives at the Attorney General's Office. We never got a definition of what homeless is. Are we going to enact a law when we don't even have a definition for it? Is a homeless person someone who has a home but elects to live on the street for whatever reason? Is it an unruly teenager who won't obey the rules in their family's home and chooses to live on the street? We don't know, legally, what homelessness is?

Courts now do take under a general principle of sentencing consideration of the vulnerability of the victim. The prosecution can request it. The judges routinely do it. This is already in law. If passed, as was pointed out earlier, this will actually disadvantage homeless people because the prosecutor will have to prove that the defendant identified a person and knew they were homeless and attacked them or destroyed their property because they were homeless. Even the District Attorney said that this was extremely rare and perhaps even impossible. Homeless people will be less protected with this law. Homeless victims are worse off and it would be much harder to prove convictions for these people.

I am not supporting this for a number of reasons. It is not that I don't support helping homeless people. I am not supporting it because we don't have a clear legal definition of what homelessness is. I believe that homeless people will truly be worse off with this law and not better off and that we totally ignored the four things that the homeless people, the advocates and the shelters wanted and that was to fund affordable housing, mental health services, employment opportunities and help with substance abuse. We walked right by all of that and came up with this as an afterthought. I am voting against this. Thank you.

The SPEAKER: The Chair recognizes the Representative from Durham, Representative Vaughan.

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

The SPEAKER: The Representative may pose his question.

Representative VAUGHAN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Given the implementation of this legislation what happens to the homeless person if they commit a crime against another homeless person.

The SPEAKER: The Representative from Durham, Representative Vaughan has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bangor, Representative Blanchette.

Representative **BLANCHETTE**: They would be charged with assault they same way they would as if they came up and assaulted me. Assault is assault and once this is in there the fact that they are homeless does not give anybody the right to beat up on another homeless person, when, in fact, if you want to talk to some of the homeless this is what is happening. Nobody is giving their complaints the validity that they are actually telling the truth. It is a fluff off and this is what has to stop.

The homeless won't come up and tell you they are perfect. They are not under any circumstances. So this would be treated as if a hate crime is a hate crime and an assault is an assault. Depending on the severity of it would determine how it would be handled and punished. Thank you Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Frenchville, Representative Paradis.

Representative **PARADIS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I promise to be brief. Let me state simply that I am proud to be with the bipartisan majority on this bill in Criminal Justice. This is in keeping with all of the other antidiscrimination groups included in the list that is getting ever so longer, but it is simply protection of the minorities. We enrich ourselves civilly and morally when we speak out for and look after the homeless as other minorities. In today's turbulent and volatile world as the good Representative stated we are very well off. We are just a step or two from being in that condition. I urge everyone to vote green on this. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Kennebunk, Representative Babbidge.

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

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

Representative **BABBIDGE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. My heart obviously is with this vulnerable group, but we need to implement good law. My question is whether the chair or someone on the committee could please share how the legal community weighed in as far as the appropriateness of the wording of this law.

The **SPEAKER**: The Representative from Kennebunk, Representative Babbidge has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bangor, Representative Blanchette.

Representative **BLANCHETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The Attorney General's Office was charged back in 2004 or the early part of 2005 to investigate discrimination against people who are homeless in Maine. So, the Attorney General, the highest law enforcement official we had in this state had a group and they worked this through. This was not an easy thing to do, but the Attorney General rendered an opinion that it is appropriate that we add the word homeless into this bill. Stephanie Anderson from Cumberland County, the District Attorney down there that prosecutes and takes more cases through her court than any other court in the State of Maine, endorsed this bill. Everett Fowle the District Attorney from Kennebec County endorsed this bill. I did not receive one negative remark from any district attorney or law enforcement official in the state of Maine. They realize the fact that they are dealing with 100 times more homeless people today than they did five years ago. This is the time. We need to do this and I hope that I have answered the good Representative's question.

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

ROLL CALL NO. 379

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

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

ABSENT - Barstow, Cummings, Emery, Goldman, Greeley, Hotham, Kaelin, O'Brien.

Yes, 76; No, 67; Absent, 8; Excused, 0.

76 having voted in the affirmative and 67 voted in the negative, with 8 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence.

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

ENACTORS

Emergency Measure

An Act To Protect Military Families

(H.P. 1207) (L.D. 1700)

(C. "A" H-775)

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. 380

YEA - Adams, Annis, Ash, Austin, Babbidge, Beaudette, Berube, Bierman, Bishop, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carr, Cebra, Churchill, Clark, Clough, Collins, Craven, Crosby, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Duprey, Eberle, Eder, Edgecomb, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Glynn, Grose, Hall, Hamper, Hanley B, Hanley S, Harlow, Hutton, Jacobsen, Jodrey, Joy, Koffman, Lansley, 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, Ott, Paradis, Patrick, Percy, Perry, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson W, Rines, Robinson, Rosen, Sampson, Saviello, Schatz, Seavey, Sherman, Shields, Simpson, Smith N, Smith W, Stedman, Sykes, Tardy, Thomas, Thompson, Trahan, Tuttle, Valentino, Vaughan, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - NONE.

ABSENT - Barstow, Bryant-Deschenes, Cressey, Cummings, Emery, Gerzofsky, Goldman, Greeley, Hogan, Hotham, Jackson, Jennings, Kaelin, Lundeen, Richardson M, Twomey.

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.

Emergency Measure

An Act To Allow the Buckfield Village Corporation To Be Dissolved and Combined with the Town of Buckfield
(H.P. 1215) (L.D. 1708)

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. 132 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.

Emergency Measure

An Act To Establish the Penobscot Language Preservation Fund in the Department of Education
(H.P. 1247) (L.D. 1807)
(C. "A" H-780)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 126 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding a Monument for Women Veterans of Maine
(S.P. 776) (L.D. 2013)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 126 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Amend the Statutes Governing the Commercial Fishing Safety Council
(S.P. 681) (L.D. 1764)
(C. "A" S-467)

An Act To Ensure Business Equity in Commercial Vehicle Registration
(H.P. 1238) (L.D. 1730)
(C. "A" H-782)

An Act To Create the Washburn Water and Sewer District
(S.P. 661) (L.D. 1744)
(C. "A" S-476)

An Act To Amend the Maine Criminal Code and Various Provisions Related to Juveniles
(S.P. 688) (L.D. 1771)
(C. "A" S-472)

An Act To Protect Volunteer-earned Funds of the Maine Wildlife Park
(H.P. 1259) (L.D. 1819)
(C. "A" H-778)

An Act Regarding Promotional Materials and Mail-in Rebates for Spirits
(H.P. 1270) (L.D. 1830)
(C. "A" H-776)

An Act To Make License Requirements and Rules Consistent for Young Anglers
(H.P. 1337) (L.D. 1896)
(C. "A" H-781)

An Act To Prevent the Use of Performance-enhancing Substances by Maine Student Athletes
(S.P. 749) (L.D. 1952)
(C. "A" S-479)

An Act To Create a Children's Education Advocate
(S.P. 752) (L.D. 1958)
(C. "A" S-475)

An Act To Assist Visually Impaired Persons and Persons with Disabilities in Obtaining Information Regarding Current Events
(H.P. 1376) (L.D. 1964)
(C. "A" H-788)

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. **ORDERED SENT FORTHWITH.**

Resolves

Resolve, Directing the Office of Substance Abuse To Study the Potential Use of Liquor License Fees and Liquor Taxes To Fund Efficient Delivery of Substance Abuse Treatment and Prevention Programs
(H.P. 1278) (L.D. 1838)
(C. "A" H-789)

Resolve, Directing the Department of Health and Human Services To Establish a Working Group To Examine Ways for Municipalities To Distribute More Heating Assistance
(H.P. 1286) (L.D. 1846)
(C. "A" H-790)

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease for Veterans' Housing the Interests of the State in Hedin Hall at the Dorothea Dix Psychiatric Center and To Establish a Task Force To Examine Using Stevens School in Hallowell for Veterans' Housing
(S.P. 765) (L.D. 1984)
(C. "A" S-480)

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

An Act To Amend the Law Relating to the Crime of Visual Sexual Aggression against a Child
(H.P. 1225) (L.D. 1718)
(C. "A" H-766)

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

On motion of Representative BLANCHETTE of Bangor, was **SET ASIDE**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

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

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-766)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-826)** to **Committee Amendment "A" (H-766)** which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-766) as Amended by **House Amendment "A" (H-826)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-766)** as Amended by **House Amendment "A" (H-826)** thereto in **NON-CONCURRENCE** and sent for concurrence.

An Act To Protect Small Payroll Processors

(H.P. 1318) (L.D. 1878)
(C. "A" H-787)

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

On motion of Representative SMITH of Monmouth, 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. 381

YEA - Adams, Annis, Ash, Austin, Babbidge, Beaudette, Berube, Bierman, Bishop, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant, Bryant-Deschenes, Burns, Cain, Campbell, Canavan, Carr, Cebra, Churchill, Clark, Clough, Collins, Craven, Crosby, Crosthwaite, Cummings, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Duprey, Eberle, Eder, Edgecomb, Faircloth, Farrington, Finch, Fischer, Fitts, Fletcher, Flood, Gerzofsky, Glynn, Grose, Hall, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hutton, Jackson, Jacobsen, Jodrey, Joy, Koffman, Lansley, 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, Ott, Paradis, Patrick, Percy, Perry, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Robinson, Rosen, Sampson, Saviello, Schatz, Seavey, Sherman, Shields, Simpson, Smith N, Smith W, Stedman, Sykes, Tardy, Thomas, Thompson, Trahan, Valentino, Vaughan, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - NONE.

ABSENT - Barstow, Cressey, Emery, Fisher, Goldman, Greeley, Hotham, Jennings, Kaelin, Lundeen, Tuttle, Twomey.

Yes, 139; No, 0; Absent, 12; Excused, 0.

139 having voted in the affirmative and 0 voted in the negative, with 12 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Tuesday, March 14, 2006, 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 - Report "A" (6) **Ought to Pass as Amended by Committee Amendment "B" (H-755)** - Report "B" (6) **Ought Not to Pass** - Committee on **TAXATION** on Bill "An Act To Connect the BETR Program with Job Retention" (H.P. 755) (L.D. 1102)

TABLED - February 16, 2006 (Till Later Today) by Representative CLARK of Millinocket.

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

On motion of Representative CLARK of Millinocket, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

SENATE PAPERS

The following Joint Order: (S.P. 810)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, March 21, 2006, at 10:00 in the morning.

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

Bill "An Act To Make Adjustments to the Allagash Wilderness Waterway"

(S.P. 811) (L.D. 2077)

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

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

Bill "An Act To Ensure the Availability of Public Drinking Water Supplies"

(S.P. 809) (L.D. 2070)

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

REFERRED to the Committee on **NATURAL RESOURCES** 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. 142) (L.D. 444) Bill "An Act Providing Procedures To Protect Members upon Redesign of the MaineCare Program" Committee on **HEALTH AND HUMAN SERVICES** reporting

Ought to Pass as Amended by Committee Amendment "A" (S-486)

(S.P. 665) (L.D. 1748) Bill "An Act To Make Technical Changes to the Gambling Laws" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-488)**

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

REPORTS OF COMMITTEE
Divided Reports

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act To Improve Water Skiing Safety"

(H.P. 1264) (L.D. 1824)

Signed:

Senators:

WOODCOCK of Franklin
PERRY of Penobscot

Representatives:

WATSON of Bath
LUNDEEN of Mars Hill
CEBRA of Naples
TRAHAN of Waldoboro
RICHARDSON of Greenville
RICHARDSON of Carmel
SYKES of Harrison

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-829)** on same Bill.

Signed:

Senator:

BRYANT of Oxford

Representative:

MOODY of Manchester

READ.

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

Eight Members of the Committee on **NATURAL RESOURCES** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-832)** on Bill "An Act Making Improvements to the Laws Regarding Local Land Use Ordinances"

(H.P. 1080) (L.D. 1535)

Signed:

Senator:

MARTIN of Aroostook

Representatives:

DUCHESNE of Hudson
ANNIS of Dover-Foxcroft
EBERLE of South Portland
KOFFMAN of Bar Harbor
TWOMEY of Biddeford
THOMPSON of China
WHEELER of Kittery

Two Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-833)** on same Bill.

Signed:

Senators:

COWGER of Kennebec

SNOWE-MELLO of Androscoggin

One Member of the same Committee reports in Report "C" **Ought Not to Pass** on same Bill.

Signed:

Representative:

JOY of Crystal

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-832)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Tuesday, March 21, 2006.

SENATE PAPERS

The following Joint Resolution: (S.P. 807)

**JOINT RESOLUTION RECOGNIZING SUNSHINE WEEK,
MARCH 12 - 18**

WHEREAS, the basic principles of freedom of speech and freedom of the press guaranteed in the United States Constitution are fundamental to our national heritage; and

WHEREAS, the American Society of Newspaper Editors has initiated Sunshine Week: Your Right to Know as a way of illustrating the importance of open government; and

WHEREAS, Sunshine Week 2006 participation by nonjournalism groups is growing, with national and local forums already planned by civic groups, libraries and open government and freedom of information groups, as well as by student media; and

WHEREAS, Sunshine Week was established to spark a discussion about the importance of open government and public access to government documents and meetings; and

WHEREAS, these issues are important in the State of Maine, where public access issues emerge all the time; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-second Legislature now assembled in Second Regular Session, on behalf of the people we represent, take this opportunity to recognize Sunshine Week: Your Right to Know during the week of March 12-18, 2006 and that we confirm the basic principles of an open and accessible government in a free society, and we urge all citizens to join in this observance.

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

READ and **ADOPTED** in concurrence.

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

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

Representative **VALENTINO**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. In reference to roll call 379 on LD 2046, had I been present, I would have voted yea.

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

LEGISLATIVE RECORD - HOUSE, March 16, 2006

Representative **O'BRIEN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. In reference to roll call 379 on LD 2046, had I been present, I would have voted yea.

On motion of Representative JACKSON of Allagash, the House adjourned at 1:25 p.m., until 10:00 a.m., Tuesday, March 21, 2006 pursuant to the Joint Order (S.P. 810).