

MAINE STATE LEGISLATURE

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

Volume III

Second Regular Session

April 7, 2006 - May 24, 2006

Appendix
House Legislative Sentiments
Index

Pages 1488-2248

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
SECOND REGULAR SESSION
37th Legislative Day
Friday, April 7, 2006

S/Joy J. O'Brien
Secretary of the Senate
READ and ORDERED PLACED ON FILE.

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

Prayer by Reverend Daniel L. Johnson, Second Congregational Church of Norway UCC.

National Anthem by Jonathan Moody, Manchester.
Pledge of Allegiance.

The Journal of yesterday was read and approved.

COMMUNICATIONS

The Following Communication: (S.C. 614)

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

April 6, 2006

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

Dear Speaker Richardson:

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

Upon the recommendation of the Committee on Inland Fisheries and Wildlife, the nomination of Honorable Joseph E. Clark of Millinocket for appointment to the Inland Fisheries and Wildlife Advisory Council.

Upon the recommendation of the Committee on Education and Cultural Affairs the nominations of:

William C. Bullock, Jr. of Orrington for appointment to the Maine Maritime Academy Board of Trustees.

Harrison L. Richardson of Gorham for reappointment to the Maine Maritime Academy Board of Trustees

Upon the recommendation of the Committee on Marine Resources, the nomination of Timothy Harper of Mount Desert for appointment to the Marine Resources Advisory Council.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 615)

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

April 6, 2006

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

Dear Speaker Richardson:

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

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Nicole N. St. Pierre of Baileyville for appointment to the Maine Maritime Academy Board of Trustees.

Sincerely,

ORDERS

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 60)

ORDERED, that Representative Robert A. Berube of Lisbon be excused Friday, March 31st for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Robert A. Daigle of Arundel be excused Wednesday, March 29th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Harold Ian Emery of Cutler be excused Friday, March 31st and Monday, April 3rd for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Rodney C. Jennings of Leeds be excused Monday, April 3rd for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Jeff Kaelin of Winterport be excused Tuesday, April 4th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Elizabeth S. Miller of Somerville be excused Thursday, March 23rd for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Anne C. Perry of Calais be excused Monday, March 27th and Monday, April 3rd for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Thomas R. Watson of Bath be excused Thursday, March 30th, Friday, March 31st and Monday, April 3rd for personal reasons.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Lucy E. Stinson, of Bath, for her 15 years as Executive Director of the Maine Trial Lawyers Association. As Executive Director, Ms. Stinson managed a 700-member professional association. Some of her responsibilities included supervising lobbyists; coordinating the governmental affairs program; fundraising; preparing, editing and supervising the printing of three publications; coordinating and promoting multiple continuing legal education programs for Maine lawyers; and organizing and managing the Maine College of Trial Advocacy, an intensive clinical three-day trial training program at the Cumberland County Courthouse. She is a registered lobbyist and has been a member of numerous civic and business organizations. We extend our appreciation to Ms. Stinson for her commitment to the citizens of this State and wish her well in her future endeavors;

(SLS 1054)

On **OBJECTION** of Representative GROSE of Woolwich, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

In Memory of:

Philip H. Soule, of Brunswick, longtime member of the Bowdoin College community, who had a 40-year coaching career. Mr. Soule was born in Bangor and was a graduate of Deering High School in Portland and Northfield Academy. As a high school athlete, he set the Maine state record in the shot put. He also graduated from the University of Maine, where he had a distinguished football career that included 2 All-Maine selections as an offensive lineman. He taught English and coached a variety of sports at Fryeburg Academy before joining the Bowdoin College coaching staff in 1967. In addition to coaching the Bowdoin College offensive and defensive lines for decades, he also coached virtually every other sport at the college, including wrestling, baseball and squash. In 2004, Mr. Soule was inducted into the Bowdoin College Athletic Hall of Honor, along with his father and 3 brothers. He was an inspiration to countless students and athletes over the years, and we acknowledge his immense contribution to excellence in sports. He will be greatly missed by his loving wife, Maureen, his family, his friends and the Bowdoin College community;

(HLS 1818)

Presented by Speaker RICHARDSON of Brunswick. Cosponsored by President EDMONDS of Cumberland, Representative GROSE of Woolwich, Representative GERZOFISKY of Brunswick, Representative EBERLE of South Portland.

On **OBJECTION** of Representative EBERLE of South Portland, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **EBERLE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In addition to the Sentiment that the Clerk has just read, there are a couple of other things that I would like to share with you about Phil Soule. He did have a very prestigious athletic career, including playing football into his 30s under the alias of Joe Thrasher so as not to be recognized by his mother. Philip was a national champion canoe racer, avid hunter and fisherman. With an abundance of energy, Phil volunteered with the American Cancer Society Relay for Life. He participated in ultra marathons and often gave advice in a very clear way. How do you run a marathon he was once asked. Simply, put one foot in front of the other until you cross the finish line. This one statement can characterize Phil's zest for life and his earnest belief that no challenge was too great to overcome. You always wanted to be on Phil's team and knew if you were on the other team, you better bring you're A-game or he would have you for lunch.

Also of particular note is the Bill Soule, Phil's dad, he used to sell the *Saturday Evening Post* here in the State Capitol Building when he was 10 years old. Bill's dad served in this State House as the Chief of Inspection under the Department of Agriculture and retired as the longest serving state employee at the time. His name was Alfred Morton Gilmore Soule.

The Soule family has for generations been a vital part of their communities and it is an honor to have them with us today. 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. Phil Soule was a friend of mine for over 40 years. We were teammates. As I knew Phil, his greatest characteristic was that he didn't know what the word 100 percent meant. Everything was 110 percent, no matter

what he was doing. I don't think 100 percent was in his dictionary. Everything he did, whether it was a marathon, football or wrestling, he was 110 percent at it.

You would think that playing the sports he did take part in, he was a boxer in college, wrestler in college, you would think he was a vicious man. He was not. He was a very kind and gentle man. He was a man that everybody would like to know as a friend. The State of Maine has lost a great citizen and friend.

I like to refer to him by his nickname. Batman will be missed by all of his team mates and friends and family. They said he was an offensive lineman. There was never anything offensive about Phil Soule. He was a great man and I was very lucky to have known him. Thank you for your time.

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

Representative **DAVIS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I first met Phil Soule when he was 14 years old. He was a freshman at Deering High School. I am about five years older than Phil Soule. He played for Deering High School. He went onto Bowdoin College and went on to play with the Portland Seahawks. I know his entire family. If you look on the list of the Mayflower, there is a Soule there. They are direct descendents of the Soule that came over on the Mayflower. I won't take any more of your time, but he was one of the finest athletes that Maine has seen. He was a fine gentleman. I certainly agree with what has been said before, especially by my friend from Portland, Representative Harlow and my friend from South Portland. He will be missed greatly. He was in the Hall of Fame with his brothers. His brothers were great athletes as was his father and grandfather. Thank you.

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. Growing up as a young man in Old Orchard Beach, when I got to be interested in sports and then became all consumed by sports, I started reading the newspaper and reading about the Soule brothers and the Soule family time and time again, I can honestly tell you that I became mesmerized by this family. I didn't go to many high school football games. I was wrapped up in my own. I went to a couple Deering games just to see this man play. I can honestly say he was a tremendous athlete. Of course, people have attested to other parts of his life as well. You have my condolences.

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. It is with great sadness that I speak today in the passing of Philip Soule. As has been mentioned by Coach Harlow, there was nothing offensive about Coach Soule. He was a two-time Maine selection as Offensive Lineman. Philip's brother was my football coach and track coach at Sanford High School a few years back. Phil recruited by brother, Jim, in wrestling to go to Bowdoin, even though he went to Bowling Green. As the Sentiment says, he was an inspiration to countless students and athletes over the years. We acknowledge his immense contribution to his excellence in sports. He will be greatly missed by his loving wife, Maureen, his family, his friends and the Bowdoin College Community as well as the State of Maine.

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

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-965)** on Bill "An Act To Increase Consumer Awareness of Prescription Drug Pricing" (H.P. 1392) (L.D. 1987)

Signed:

Senators:

MAYO of Sagadahoc
MARTIN of Aroostook

Representatives:

PINGREE of North Haven
WALCOTT of Lewiston
GROSE of Woolwich
WEBSTER of Freeport
MILLER of Somerville
BURNS of Berwick
CAMPBELL of Newfield

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

Signed:

Senator:

ROSEN of Hancock

Representatives:

SHIELDS of Auburn
LEWIN of Eliot
GLYNN of South Portland

Representative SOCKALEXIS of the Penobscot Nation - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-965)** Report.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-965)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Monday, April 10, 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. 730) (L.D. 1930) Bill "An Act Regarding Working Waterfront Covenants under the Land For Maine's Future Board" (C. "A" S-556)

(S.P. 732) (L.D. 1932) Bill "An Act To Implement Model Time-share Foreclosure Procedures" (C. "A" S-557)

(S.P. 787) (L.D. 2043) Bill "An Act To Further Reduce Mercury Use and Emissions" (C. "A" S-561)

(S.P. 809) (L.D. 2070) Bill "An Act To Ensure the Availability of Public Drinking Water Supplies" (C. "A" S-562)

(H.P. 1458) (L.D. 2062) Resolve, Regarding Legislative Review of Portions of Chapter III, Section 50: Intermediate Care

Facilities for the Mentally Retarded, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

(H.P. 1208) (L.D. 1701) Resolve, To Ensure the Coordination and Effectiveness in the Provision of Outpatient and Medication Management Services under Maine's Noncategorical Waiver (C. "A" H-964)

(H.P. 1338) (L.D. 1897) Bill "An Act To Protect Maine's Electricity Consumers" (C. "A" H-959)

(H.P. 1402) (L.D. 2000) Bill "An Act To Ensure Appropriate Reimbursement of Rising Energy Costs for Long-term Care Facilities" (EMERGENCY) (C. "A" H-963)

(H.P. 1418) (L.D. 2018) Bill "An Act To Allow Consolidation of the Winterport Sewerage District and the Winterport Water District To Create Incentives For Consumers To Pay Water Bills" (C. "A" H-958)

(H.P. 1437) (L.D. 2039) Bill "An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2006-07" (EMERGENCY) (C. "A" H-952)

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

BILLS IN THE SECOND READING

Senate

Bill "An Act To Change the Date for Agency Submission of Provisionally Adopted Major Substantive Rules" (S.P. 843) (L.D. 2102)

Senate as Amended

Bill "An Act To Clarify the Use of Dedicated Funds for the Preservation of Deeds Records" (S.P. 804) (L.D. 2063) (C. "A" S-538)

House

Bill "An Act To Implement the Recommendations of the Joint Standing Committee on Education and Cultural Affairs Regarding Review of the State Board of Education under the State Government Evaluation Act" (H.P. 1494) (L.D. 2103)

House as Amended

Bill "An Act To Support the Efficient Implementation of Maine's Learning Results" (EMERGENCY) (H.P. 989) (L.D. 1425) (C. "A" H-913)

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) (C. "A" H-822)

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

Bill "An Act To Extend the Lobbyist Reporting Requirements to Executive Branch Lobbying Activities"

(H.P. 1235) (L.D. 1727)
(C. "A" H-923)

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 Arundel, Representative Daigle.

Representative **DAIGLE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I ask that you vote against the pending motion to pass this bill to be engrossed. Let me explain why. When we passed this bill, what we thought we were doing is changing the definition of lobbyist to include members of the Executive Branch. In other words, if you come up here and you are talking to a legislator, that is clearly lobbying. If you are talking to the Governor, that is clearly lobbying. What this bill is also doing is it says if you talk to the commissioner, then that is lobbying. More importantly for my concern, if you talk to the commissioner's designee, that is also lobbying.

Let me give you a scenario that happens very, very frequently in the Committee on Natural Resources and maybe in your committee also. You have a guy come up to the public hearing because he is concerned about a bill. I will give you an example. In our committee, the water withdrawal bill, where people who operate the water treatment plants for our various cities, they come up there because they want to talk to us for 10 minutes at the podium and say that this bill is going to cause me a problem. After we hear them at the public hearing for a couple of hours, we realize there is something going on here and we ask something of them. We say, could a couple of you meet with the bureau director between now and the workshop and could you come up with a solution to our problem please. Most often, they do. In fact, when we are not getting along to well, we tell them to go out in the hallway and solve this problem or we will come back in a work session and we will solve it. You won't like the result. Either way, what we get is people who leave the room, meet with a bureau director several times and come back and give us a compromise. It is something that we passed is often the most elegant solution possible without a whole lot of blood letting.

If this bill stands and becomes law, that discussion off line with the bureau director as a commissioner's designee about legislation becomes lobbying. What it triggers is that hourly worker who was just going to Augusta for the day because he was on the clock, his boss was still paying him, and maybe even covered his mileage for the trip, that person must now register as a lobbyist. They must pay a \$200 registration fee. They must file reports within 10 days of that event and follow up reports and close themselves out as a lobbyist. The effect, I am afraid, is it is going to have a chilling affect. The rank and file worker bee who wants to come and tell us really how it is, is going to be concerned that that volunteerism is going to result in him becoming a "lobbyist." Let's be honest, there is a quality to be calling a lobbyist. The next time we ask for a show of hands and say, can you please go out and meet with a bureau director and come back with a solution for this problem, they are going to say no. My boss does not want me registering as a lobbyist. My boss does not want to pay \$200 to exercise my right to speak up for this matter. This is not the guy in the three-piece suit drawing

down \$200 an hour as an attorney. This is a guy in work boots. The guy in work boots is exactly who we want to be working out in the hallway or in a meeting with a bureau director coming back with an answer. We are telling him he has to join the big guys and he won't.

I have spoken with the Ethics Commission, literally, 10 minutes ago on the phone with Representative Patrick beside me. I asked very specifically if a guy who is getting a paycheck is coming up and doing the scenario I described to you, would this bill require him to count that as lobbyist time and trigger his registration. He said, yes. Absolutely, as it is currently written. I think it is really unfortunate. I ask you to say that this is a good idea, but with unintended consequences that it is not the right policy call for us today. Please vote no on this roll call. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Waterville, Representative Canavan.

Representative **CANAVAN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Several things that were just said, I need to correct. Number one, lobbying does not include travel expenses. I think that was mentioned. Lobbying does not include discussions on public policy, only on specific legislation. The third point that I would like to make is that there is still an eight hour window in the law that allows a paid lobbyist, someone who has been paid for the specific purpose of influencing legislation to lobby for a full eight hours before the registration requirement kicks in. I have discussed this with the folks over at the Secretary of State's Office in Vermont. I really didn't hear any great problems that they have experienced with this law.

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

Representative **MOULTON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We pride ourselves on encouraging people to participate in the process of formulating policy. I do find it difficult to distinguish between legislation and policy making, because they are so intertwined together. In fact, most of the time the discussion concerning public policy is in the context of working over a piece of legislation. If we are going to put a dampening or a chilling effect upon the process of trying to welcome people to come up here and give their opinions on something, then we are going in the wrong direction, Mr. Speaker. I would encourage a no vote on this Mr. Speaker.

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, Colleagues and dear Friends. I thank you for the opportunity to speak briefly on this. I did have a conversation with the number two man in the Ethics and Governmental Affairs Office with Representative Daigle and Representative Saviello. I also had a conversation with the director of the Ethics and Governmental Affairs, Jonathan Wayne. My question to him was, if, in fact, he believed this would add to the mix of those who would have to register as lobbyists? He says it probably would encompass a few.

I work for a company in the paper industry. I am a mill write. If my custodial staff so chooses to pay me because of my expertise in the welding field to come down here on their behalf and pay me for 16, 20, 30 hours and fight like heck for them, I think I am a lobbyist and I should be required to be a lobbyist. What does a lobbyist do? A lobbyist is trying to fight on behalf of the piece of legislation that is at hand. This piece of legislation, actually, is going after those who are compensated, full-time lobbyists. That is what this is getting at.

There are many different little avenues that even the professional lobbyists do. You have the eight hour window. Some firms have five lawyers and they can send four of them out for seven hours and one of them out for eight. The one that gets charged is the one with eight. We are actually looking at trying to do something good because there are tons and tons of people out there that continually lobby that really fall under the umbrella. I would encourage every single citizen of the State of Maine who is unpaid to come up and lobby for what they believe in. That is the process that we are looking at. What we are looking at is transparency and disclosure of those who are professional. Most of them I can say we actually like. They are very personable. If they are honest and have integrity, they add to the process. It doesn't even have anything to do with that. It has to do with whether or not we want to encompass more information for the good citizens of the State of Maine. I would still recommend that those that supported this to please continue to support it. Thank you Mr. Speaker.

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 just wanted to say that in light of some of the comments that were made as far as committee hearings and telling people to go out in the halls and work a deal out and everything else, I would like to say that I think that is our job. We were elected here to work out deals, to know what the legislation is about. We shouldn't be sending somebody out in the hall or in a room to work with the commissioner to work out a compromise. That is why we have public hearings. That is why we have work shops. If we don't want to spend the time and sit here for two or three hours and just want quick solutions and compromises, then shame on us. We should be knowing these laws. We should be understanding them. We shouldn't be putting a private citizen in a situation to go out in the hall and work out a deal that we should have been working out in committee. I think this is a good law. I fully support it. I think the Legislature should not be having these situations where people are directly influencing one on one. We should have that disclosed. Thank you.

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

Representative WEBSTER: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. If I were able to speak on another bill at this time, I would do so. However, I am not allowed to do that, therefore, I will not be speaking about a pending amendment that will be coming up on another bill. However, I would like to point out something that I will be saying later, which is the federal tax law that defines lobbying specifically and narrowly as communication with a legislator. Two, in reference to a specific piece of legislation. Three, with the request to support or oppose this legislation. Many people who come to these halls are providing advocacy. The IRS is very clear about advocacy, which is the act of pleading or arguing in favor or something, such as a course or a policy. There is a difference between advocacy and lobbying. If you are being paid to come up here and to try to influence legislation and you do so for more than a certain number of hours, you are taking on the role of lobbying. If you are coming here as a citizen, advocating for the influence that different kinds of policies are going to have on your life, then I believe you are well within the bounds of your rights without having to register as a lobbyist. Thank you.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Canavan.

Representative CANAVAN: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I just want to reiterate that by definition lobbying is an effort to influence the passage or defeat of legislation. It has nothing to do with public policy. The specific reason why 37 states now require disclosure of Executive Branch lobbying is pretty basic. Why, if we have lobby laws at all, why not disclose all of the lobbying that goes on to influence legislation and not just the part that goes on in this body. Thank you.

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

Representative DAIGLE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is always a tactical decision on how long you wait before you can bat clean up. Just to rebut a few points. We are not talking about IRS regulations. Frankly, that is another argument entirely. We are talking about what the State of Maine calls lobbying.

The discussion I just had with number two man in Ethics is a discussion that had never been held before today. He acknowledged on the phone, the issues I brought up, the scenarios I described, was the first time that had been presented to ask for their rebuttal. It was very clear in his response, that guy in work boots who we ask to stick around and discuss it out in the hallway would, under this proposal, be lobbying and would trigger that requirement. I am concerned about that chilling affect on that guy in work boots. I am also concerned about our teachers that may take a day off from the classroom to come up and find out that it was just a day off and I wanted to get involved. Now you have to go down this road. By the way, your school district is now registering you as a lobbyist. If your school district is not happy about that, they are going to tell you, don't go to Augusta. The Town Manager showing up to talk about something and he wants to go out in the hallway because we asked him to. We do that all the time. Doctors, nurses, stakeholders, we are going to call all stakeholders lobbyists. The net result is because it is hard to be a lobbyist and hard to comply with the laws, there will be less lobbyists as we would define it. There would be less stakeholders and our government would be further insulated against the common man and woman. Thank you.

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

Representative DUCHESNE: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I was already reaching for my green button when this debate started. However, I have not heard the answers that I wanted to hear to the concerns brought up by Representative Daigle, the Representative from Arundel. If, in fact, we are talking about people who are paid to come down and influence legislation, I am fine with that. They are lobbyists and that is fine. If, on the other hand, we are capturing those people who are coming in and working with department heads and working with people in various bureaus as stakeholders trying to craft a better answer to a problem we gave them in legislation. That is different. I don't want those people paying \$200 registering lobbyists because they are not. They are here on behalf of their company or their personal interest trying to help us reach a better policy. That is fine. If they are not paid specifically for the purposes of lobbying, then I don't want them to be lobbyist. If, in fact, that is the road we are heading down for, my trigger finger is itching towards red right now. I would need to have that corrected in this discussion. Thank you.

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

Representative **BRAUTIGAM**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to briefly clarify a couple things. The term volunteerism was used previously and I am sure we all want to encourage volunteerism, people to come up here on their own time to speak, lobby, represent their interests or what they believe to be their interests. In response to the previous speaker, a person who is up here who is not being paid to be up here can be up here 24 hours a day, seven days a week as long as they want to. They never, ever have to register to be a lobbyist. This is not part of that person's professional work. If they are not being paid to be here, the lobbyist requirements never do apply. Even if they are being paid, they are allowed to have eight hours lobbying up here under the definition of lobbying, each month over the course of the legislative session. You could have a number of meetings in the hallway, corridors and in a conference room somewhere. Eight hours is the trigger. I think it is a very reasonable threshold. I hope you will follow my light.

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

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

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

Representative **JOY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In the amendment, the sentence, when reimbursement for expenditures or compensation was made. If somebody is paid travel down here or something for action on a bill, is that considered compensation?

The **SPEAKER**: The Representative from Crystal, Representative Joy has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Falmouth, Representative Brautigam.

Representative **BRAUTIGAM**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. If I am not mistaken, the Representative from Waterville previously answered the question. The transportation expense if not required to be reported as lobbying expenses. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Arundel, Representative Daigle. Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative **DAIGLE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I only intend to answer that previous question. That specific question was asked to the number two man at the Ethics Commission a half hour ago. His answer was, yes it does. Paying that worker, if he is paid for that work day and that is compensation and if he comes back and says he wants that 32 cents a mile for coming to Augusta, that is it. It does trigger the requirement for lobbying under this proposal. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Waterville, Representative Canavan. Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative **CANAVAN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. While it is true that reimbursement for expenditures does count toward triggering lobbying, I think we have to remember that usually when reimbursements are made on a modest level by someone coming

down here to represent their agency before our committee, it is certainly not going to trigger the full eight hour threshold when we are talking about someone just getting reimbursed for one trip. A lot of lobbying has to go on in order to meet that eight hour threshold and, frankly, I don't remember it ever happening for ordinary citizens who come down here, even if they do get reimbursed for one trip.

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

Representative **SAVIELLO**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I was on that phone call a half an hour ago with the Ethics Commission and I want to say what I think I heard. We have an employee that comes down that is not a paid lobbyist. It is the water district operator, the sanitary district operator and he testifies in favor or against the bill. The committee asks that individual to meet to try to resolve the issue. If he goes out and he works on that and, in fact, exceeds the eight hours, I will say that in some of the situations we have been on in the Natural Resources Committee, some of those discussions go well beyond eight hours. That person would have to register as a lobbyist. Thank you Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Turner, Representative Bryant-Deschenes.

Representative **BRYANT-DESCHENES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. May I pose a question to the Speaker for someone who could answer that question. I have been hearing eight hours all of the time today. Somewhere recently I heard something about four hours. I wanted to have that cleared up, eight hours or four hours?

The **SPEAKER**: The Representative from Turner, Representative Bryant-Deschenes has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Rumford, Representative Patrick.

Representative **PATRICK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. That is actually in another amendment in another bill. Furthermore, I would like to thank the 93 people who supported this the first time around on the roll call that we had just a day or two ago. Well, actually yesterday.

I would also like to touch base on what the good Representative from Wilton, Saviello, said. Yes. I agree there may be times when a few people, not a huge amount, a few people may actually have to register as a lobbyist. If I come down for my company for nine hours with the expectation to speak, even though I am an hourly paid guy, and lobby for that person, I believe a lobbyist is a lobbyist if you are being paid. If you are John Q. Public, our wonderful citizen, you can come down 24 hours seven days a week and listen and if any of you guys see a couple around here there are a couple of citizen lobbyists that probably have come to every single one of your committees and spoken on the ethical standards and practice. I, for the life of me, can't believe that I would spend that much time. They are citizens of the State of Maine and they have the opportunity to do that. I urge the 93 and the 10 who were absent to support this legislation. Thank you.

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

Representative **JOY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would just like to make a note that the lobbying definition includes the time that is spent to prepare and submit to the Governor or etc. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **KAELIN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. My question is, what happens if you have a working group of individuals that are meeting regularly with the DEP on an issue that is affected by a bill before the Legislature? I am thinking specifically of the discussions that went on around the dredging bill that Representative Pingree had. Do all of those people if they spend more than eight hours in a month have to register as lobbyists?

The SPEAKER: The Representative from Winterport, Representative Kaelin has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Arundel, Representative Daigle.

Representative **DAIGLE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. For the purpose of answering that question, the interpretation given to me 45 minutes ago by the Ethics Commission, then the answer would be yes.

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

Representative **KAELIN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I appreciate the answer from the good Representative. This bill is absolutely going to have a chilling affect on the public process. I think it is a bill that seeks to solve a problem that doesn't exist. For that reason, I am going to be voting red again on this bill. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **COLLINS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Recently there has been a large group of firemen and policemen in the hallways lobbying for their cause. Would that group of individuals and their association, if this law was passed, would they be considered lobbyists?

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

Representative **TUTTLE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Being a member of the committee and observing the amendment, my answer to that question would be no.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Canavan. Having spoken three times now requests unanimous consent to address the House a fourth time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative **CANAVAN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The purpose of introducing this bill was to capture lobbying that goes on within the Executive Branch. I guess when we look at the lobbying that goes on right here within the Legislative branch, we see that same situations that folks have talked about here today, a group of people from a municipality coming down, meeting with legislative committees and lobbying. Yes, several towns register as lobbyists. The purpose of the bill is to capture the same kind

of activity that goes on in the Executive Branch. That is plain and simple. Why shouldn't the people of Maine know about it?

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

Representative **MOULTON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I know the example has been given in this debate over water utilities. I was also engaged. I would like to present to the body another example. Through the work of State and Local Government Committee, it is a routine matter to see Registers of Deeds, the Mayor of Augusta and similar officials who are paid to present information before our committee. In fact, I guess the worst part about it, as some of this body are well aware, it is not just in the committee room. I get on the phone with a number or many of these people and work the bill. Some of these meetings and conversations take place over a long time frame, extensive discussions running on for hours. Are we putting people at risk of having to register as lobbyists just simply because we are trying to do our jobs? 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. Being the Chair of the State and Local Government Committee, I would like to try to bring some clarity to the comments of my good colleague from York. When mayors, city councilors, Register of Deeds, county commissioners and other elected officials come before our committee, they do it representing the people that elect them to serve in that position. They would not be paid lobbyists. It is the same way as if we write a letter on half of our constituents in our districts to a member of Congress representing Maine to help advocate on an issue. For example, in my community if I write a letter to Congressman Allen in support of moving ahead federal funding for the Gorham by-pass, I do not believe that would make me have to register as a lobbyist. I am doing my elected duty as a representative of this body as are the other members that the Representative from York just mentioned. Thank you Mr. Speaker.

Representative **CLOUGH** of Scarborough **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

Representative **GLYNN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. An issue was raised concerning lobbying time and how it was counted in reference to the officers and firefighters that have been out in the hall. I just wanted to clarify that with some information that I received. I actually had that raised as a concern to me by several folks. I called the Ethics Commission on how time is counted. Under current state law, you are allowed to lobby eight hours a month without registration. What was raised as an issue is the fact that they are out in the hallway? Is that lobbying? The answer from Ethics is no. That is not lobbying. Lobbying is the time that they speak to legislators. As an example, if a firefighter, for instance, was being paid to be up here and was in full uniform in the hall for 10 hours while the House was in session and during committee meetings and didn't speak to a legislator, that is no lobbying time. That is zero. If they were to speak to me as a State Representative from South Portland for 10 minutes of lobbying time during the course of that 10 hours that they would be up here at the State House, the threshold is eight hours in the course of a 30 day period, if it would span several months, that would be divided up. That is how lobbying time is counted.

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. 462

YEA - Adams, Austin, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Clark, Craven, Cressey, Crosby, Cummings, Curley, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Eberle, Eder, Farrington, Finch, Fletcher, Gerzofsky, Glynn, Goldman, Greeley, Grose, Hanley S, Harlow, Hogan, Hutton, Jackson, Koffman, Lerman, Lundeen, Makas, Marraché, Mazurek, McCormick, McKane, Merrill, Miller, Mills, Moody, Norton, O'Brien, Paradis, Patrick, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rines, Sampson, Schatz, Shields, Smith N, Smith W, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Mr. Speaker.

NAY - Annis, Berube, Bierman, Bishop, Bowen, Bowles, Brown R, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clough, Collins, Crosthwaite, Curtis, Daigle, Dugay, Duprey, Edgecomb, Emery, Fischer, Fisher, Fitts, Flood, Hall, Hamper, Hanley B, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Marean, McKenney, McLeod, Millett, Moulton, Muse, Nass, Nutting, Ott, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Saviello, Seavey, Sherman, Sykes, Tardy, Trahan, Vaughan.

ABSENT - Ash, Faircloth, Jennings, Marley, McFadden, Moore G, Simpson, Stedman, Thomas, Woodbury.

Yes, 79; No, 62; Absent, 10; Excused, 0.

79 having voted in the affirmative and 62 voted in the negative, with 10 being absent, and accordingly the House Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

Bill "An Act Regarding the Maine Insurance Guaranty Association"

(H.P. 1463) (L.D. 2068)
(C. "A" H-941)

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

On motion of Representative DUPREY of Hampden, 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 **Committee Amendment "A" (H-941)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-972)** to **Committee Amendment "A" (H-941)** which was **READ** by the Clerk.

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

Representative DUPREY: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Before I go into a little bit of the amendment, I would like to give you a little bit of a background on what the Maine Insurance Guarantee Association or MIGA is. MIGA is similar to what the FDIC for banking. It guarantees that when a bank goes insolvent that they are going to make sure that you get your money back. MIGA what they do is make sure an insurance carrier, Anthem or any one of the insurance carriers out there, workers' comp, if they go insolvent, they go bankrupt, MIGA will continue paying those claims.

What the bill does is it allows the Workers' Comp Board to audit MIGA, which we don't have a problem doing it. There should be audits. We should make sure they are held accountable. The problem we are having is there is a \$10,000 penalty if they make mistakes on their claims. They should be allowed to fine them if they make mistakes, but this is a semi-quasi government agency that we are fining here. What they are going to do is take those fines and pass it back to insurers, which is going to, in turn, pass that down to policy holders, auto insurance, life insurance, health insurance. It is going to get passed down to your constituents in the form of higher insurance claims.

MIGA has no financial incentive not to pay claims. They are a government agency. They are not for profit government agency. There is no incentive for them to make a profit. They are not a private insurer. There is no incentive for them to make a profit on purpose. It would be totally unintentional. What this amendment does is it takes that \$10,000 penalty out and it allows the Workers' Comp Board to audit MIGA. If they make a mistake, they have to rectify it without the penalties. Thank you Mr. Speaker.

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

Representative SMITH: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I urge the House to defeat this amendment. What this amendment seeks to do is to remove from the Workers' Compensation Board any opportunity to give incentive, I will use the same word as the good Representative from Hampden, to MIGA to reform its conduct and to adjust the workers' compensation claims the same way as other insurers. The Workers' Compensation Board audits all the other workers' compensation insurers. In the case of an insolvent insurer, the Maine Insurance Guarantee Association will take over the responsibilities of the insolvent insurer. They assess to the insurance companies doing business in Maine the costs that are involved with workers' compensation claims.

One of the problems is that MIGA has not adjusted their claims responsibly. It is not a matter of any malice or evil or anything like that. They simply have not put the resources into having sufficient adjusters to adjust these claims. The reason for penalties is to encourage that these claims be adjusted responsibly and timely so that injured workers can get their medications, can get medical services, weekly benefits when they are due, promptly.

The penalty provision does not call for \$10,000 to be assessed on any transgression. It allows if there has been a pattern of unreasonable claims handled, penalties that can go up to \$10,000. It can be anywhere from \$100 up to \$10,000. This, frankly, makes it more cost effective for the insurance guarantee and its insurance members to adjust the claims responsibly rather than just sitting there indifferent and leaving injured workers without benefits. I ask you to defeat this motion. The Maine Insurance Guarantee Association must be treated the same as other insurance workers' compensation insurers in this state. Again, I ask you to defeat this amendment.

Representative DUPREY of Hampden **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-972)** to **Committee Amendment "A" (H-941)**.

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 Adoption of House Amendment "A" (H-972) to Committee Amendment "A" (H-941). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 463

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

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

ABSENT - Faircloth, Jennings, McFadden, Moore G, Piotti, Simpson, Stedman, Thomas, Woodbury.

Yes, 68; No, 74; Absent, 9; Excused, 0.

68 having voted in the affirmative and 74 voted in the negative, with 9 being absent, and accordingly **House Amendment "A" (H-972) to Committee Amendment "A" (H-941) FAILED ADOPTION.**

Subsequently, **Committee Amendment "A" (H-941) was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-941)** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

UNFINISHED BUSINESS

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

SENATE DIVIDED REPORT - Majority (8) Ought Not to Pass - Minority (4) Ought to Pass as Amended by Committee Amendment "A" (S-552) - Committee on TAXATION on Bill "An Act To Clarify the Taxable Status of Lobster Traps"

(S.P. 656) (L.D. 1739)

- In Senate, Minority **UGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-552).**

TABLED - April 5, 2006 (Till Later Today) by Representative **DUDLEY** of Portland.

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

Representative **CUMMINGS** of 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. 464

YEA - Ash, Barstow, Cain, Churchill, Clark, Eder, Finch, Hutton, Lerman, McCormick, Mills, Nutting, Smith N, Thompson, Watson.

NAY - Adams, Annis, Austin, Babbidge, Beaudette, Berube, Bierman, Bishop, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant, Bryant-Deschenes, Burns, Campbell, Canavan, Carr, Cebra, Clough, Collins, Craven, Cressey, Crosby, Crosthwaite, Cummings, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Duprey, Eberle, Edgecomb, Emery, Farrington, Fischer, Fitts, Fletcher, Flood, Gerzofsky, Glynn, Goldman, Greeley, Grose, Hall, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McKane, McKenney, McLeod, Miller, Millett, Moody, Moulton, Muse, Nass, Norton, 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, Smith W, Sykes, Tardy, Trahan, Tuttle, Valentino, Vaughan, Walcott, Webster, Wheeler, Mr. Speaker.

ABSENT - Faircloth, Fisher, Jackson, Jennings, Koffman, McFadden, Merrill, Moore G, Simpson, Stedman, Thomas, Twomey, Woodbury.

Yes, 15; No, 123; Absent, 13; Excused, 0.

15 having voted in the affirmative and 123 voted in the negative, with 13 being absent, and accordingly the Majority **Ought Not to Pass Report was NOT ACCEPTED.**

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

The Bill was **READ ONCE. Committee Amendment "A" (S-552) was READ** by the Clerk.

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

Representative **DUDLEY:** Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I was disappointed not to have a chance to discuss this bill in caucus as it was on our agenda and we did not get to it. My understanding of the Committee Amendment is, in fact, that it is a Constitutional Amendment. I would like to pose a question to the Chair. Is this, in fact, a Constitutional Amendment?

The **SPEAKER:** The Representative from Portland, Representative **DUDLEY** has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bath, Representative **WATSON.**

Representative **WATSON:** Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Yes. The answer to the good Representative's question is, this is a Constitutional Amendment.

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

Representative **DUDLEY:** Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Amending the Constitution is certainly not anything I take lightly. Maybe it is necessary in this case and maybe it isn't. I certainly would like a little more of an opportunity to discuss it privately before taking a vote on a Constitutional Amendment. Therefore, I move to table until later in today's session.

The **SPEAKER:** Your tabling motion is out of order because you debated the issue.

On motion of Representative CLARK of Millinocket, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (S-552)** and later today assigned.

Resolve, Establishing the Commission To Study Eliminating the Normal Retirement Age for Corrections Officers and Mental Health Workers

(S.P. 246) (L.D. 748)
(H. "A" H-935 to C. "B" S-432)

TABLED - April 6, 2006 (Till Later Today) by Representative **DUPLESSIE** of Westbrook.

PENDING - FINAL PASSAGE. (Roll Call Ordered)

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

ROLL CALL NO. 465

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

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

ABSENT - Faircloth, Jackson, Jennings, McFadden, Moore G, Simpson, Stedman, Thomas, Woodbury.

Yes, 76; No, 66; Absent, 9; Excused, 0.

76 having voted in the affirmative and 66 voted in the negative, with 9 being absent, and accordingly the Bill was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Bill "An Act To Make Revisions to the Laws Governing Pesticide Control"

(H.P. 1330) (L.D. 1890)

- In House, Report "A" (6) **OUGHT TO PASS AS AMENDED** of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-860)** on March 27, 2006.

- In Senate, Report "C" (2) **OUGHT TO PASS AS AMENDED** of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-862)** in **NON-CONCURRENCE**.

TABLED - April 5, 2006 (Till Later Today) by Representative **PIOTTI** of Unity.

PENDING - FURTHER CONSIDERATION.

Representative **PIOTTI** of Unity moved that House **ADHERE**. Representative **CARR** of Lincoln moved that the House **RECEDE AND CONCUR**.

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

Representative **CARR**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I just want to take a moment to remind you, we talked about this quite a lot last week, but this comes back to us with accepting Report "C." By Adhering, we basically have killed this bill. What we talked about in our last debate was whether we would have routine technical rules or major substantive rules dealing with the Pesticide Control Board. By killing this, it does away with what the intent of this whole bill was. That is to have the board review chemical pesticides used in this State in accordance with the requirements of this section and to have them review two pesticides each year. By moving with Adhere, we basically would kill this. I think that we really should move forward and let the board do some of its work. With the motion that I made, it would allow us to accept the position in which it came back from the Senate and that would be to accept "C." Basically the bill would pass, but the rules would be major substantive and any of the amendments would be routine technical. I would ask for a Roll Call.

The same Representative **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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 Unity, Representative Piotti.

Representative **PIOTTI**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in opposition to the pending motion. You may recall this item. We discussed it for about 15 minutes a few days ago. There was overwhelming bipartisan support before the House position and that is the position that I advocate that we Adhere to. Representative Carr has sort of framed this that if we act in this manner, this bill is dead. That is not true. The Senate still has another chance. They have a chance to do the right thing.

The piece about rulemaking is a critical issue here and not one that is worthwhile backtracking on. As someone who tries to manage this committee, the thought of having to deal with every little pesticide item as a major and substantive rule wouldn't only be unworkable, but would, I think, lead to bad policy given the nature of pesticide regulation. The Pesticide Board has worked effectively, very effectively. The environmentalists don't get what they want completely. The applicators don't get what they want completely. The farmers don't get what they want completely. The dynamic works and to upset the rulemaking process that is not broken does not make sense. I urge you to vote against the pending motion and allow the House to Adhere to our previous position.

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

Representative **CARR**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I do need to speak briefly about the rulemaking. Part of the problem that we have had with this board is there have been some problems. That is why we have had some bills before us. Part of it deals with the fact that all of the rules, because the board was established quite a while ago and at that time all they had was routine technical rules. Right now every rule that this board makes is a routine technical rule. I think that most people here would agree that at least some of the rules that all of the departments make should be reviewed by the committee of

oversight. Right now this board has no oversight if we go with Report "A," which is what we voted on last week.

What we have before us is Committee Amendment "C," which says that any rules that they make, new rules that they make, would be major substantive rules. However, any of the amendment would be routine technical. That would allow them to continue in the same way that they have. However, on any major issues, it would have to be reviewed by the committee. I would think that most of us would agree that that would be the proper way to handle this. Thank you Mr. Speaker.

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

ROLL CALL NO. 466

YEA - Annis, Austin, Berube, Bierman, Bishop, Bowen, Browne W, Bryant-Deschenes, Carr, Cebra, Churchill, Clark, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Dugay, Edgecomb, Emery, Fitts, Fletcher, Greeley, Hall, Hamper, Hanley B, Jackson, Jacobsen, Joy, Kaelin, Lansley, Lewin, Lindell, McKenney, McLeod, Millett, Moulton, Muse, Nass, Ott, Pinkham, Plummer, Richardson M, Richardson W, Robinson, Rosen, Seavey, Sherman, Shields, Tardy, Trahan, Vaughan.

NAY - Adams, Ash, Babbidge, Beaudette, Blanchard, Blanchette, Bliss, Bowles, Brannigan, Brautigam, Brown R, Bryant, Burns, Cain, Campbell, Canavan, Craven, Crosby, Cummings, Daigle, Davis G, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Duprey, Eberle, Eder, Farrington, Finch, Fischer, Fisher, Flood, Gerzofsky, Glynn, Goldman, Grose, Hanley S, Harlow, Hogan, Hotham, Hutton, Jodrey, Koffman, Lerman, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McKane, Merrill, Miller, Mills, Moody, Norton, Nutting, O'Brien, Paradis, Patrick, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rector, Richardson D, Richardson E, Rines, Sampson, Saviello, Schatz, Smith N, Smith W, Sykes, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Mr. Speaker.

ABSENT - Barstow, Davis K, Faircloth, Jennings, McFadden, Moore G, Simpson, Stedman, Thomas, Woodbury.

Yes, 53; No, 88; Absent, 10; Excused, 0.

53 having voted in the affirmative and 88 voted in the negative, with 10 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, the House voted to **ADHERE**.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Create a Property Tax Exemption for Property Owners with Limited Personal Property Assessments

(H.P. 1446) (L.D. 2052)

(C. "A" H-877)

TABLED - April 6, 2006 (Till Later Today) by Representative CUMMINGS of Portland.

PENDING - **FINAL PASSAGE**.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Watson.

Representative **WATSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Please take a moment and pause to think about what we are doing here. This is another Constitutional Amendment. This Constitutional Amendment would provide a break from the personal property tax for those persons who have less than \$20,000 worth of personal property to report. On its fact, it looks like a nice little break, giving private individuals and to some small businesses.

It has a couple of drawbacks. I would like to point those out to you and I would like explain why I think this is a mistake. First

of all, in a town like Bath, which is a service center, many of you come from similar ones. If you have had this conversation with your assessor, I am sure you have heard the same thing that I have. In the Town of Bath we have 490 personal property tax accounts. Two hundred and ninety of which are \$20,000 or less. At the very outset, we are talking about a significant chunk of the town's personal property assessment evaluation base. We haven't told the towns that this is coming. We are doing this by Constitutional Amendment so we don't have to reimburse the towns, even the 50 percent that is normally required. We are asking the towns to take that hit. That hit is going to go to resident homeowners. It has to. It can't go anywhere else. The town may be able to tighten its belt and account for some of that cut, but ultimately that is going to be the burden for resident homeowners. All you are doing here is shifting a tax burden over.

Here is the other problem. This only applies to personal property accounts that are worth up to \$20,000. At \$20,001, the entire amount is owed. It is not an exclusion for the first \$20,000 of an account. It is an exclusion for just \$20,000 and if you have \$20,001 worth of personal property, you have to pay the entire amount.

One of the arguments advanced in favor of this is it was going to reduce the paperwork and the hassles to the small personal property owners, small business owners and the town. It doesn't because I still in my little law office where I have less than \$20,000 worth of computers and file cabinets and things like that, I am still going to have to maintain an inventory of that property in order to submit it to the town and prove that my personal property is less than \$20,000. The town is still going to have to maintain its records on its personal property accounts because it is looking for that magic \$20,001. It doesn't save any hassle on either side. It saves the taxpayer who has less than \$20,000 worth of property, whatever that small amount of personal property tax he pays. Yes, it does. As I say though, that comes out of town coffers and it is going to go right back on his home, residential personal property tax.

It doesn't save any hassle on either side, the town or the property owner because you still have to maintain your records.

Finally, the biggest problem I have with this is we are inviting people to take less care with their taxes. I don't want to say that we are inviting people to cheat on their taxes, but that is what it is. The entire tax amount is due if you have \$20,001 worth of property. What does it take to reduce your property inventory so that it is less than that amount? Can you assign some of your personal property to your spouse? Can you set up another LLC or another shadow corporation to take some of the property out of the mom-and-pop store so that you have two accounts for less than \$20,000 or maybe three accounts for less than \$20,000? We are inviting people to take advantage of the system in order to avoid this and try to take advantage of this small benefit.

It is simply not worth the potential trouble that it causes. It is not worth another, yet another, unreimbursed mandate levied on a municipality following on our well intended, but unfunded homestead that we did to them last year, this is simply a nice thing to be able to go back and tell the folks back home you passed a little tax break, but don't go on to tell them that you will see it on your homeowner's property tax bill next session. Remind them that they still have to fill out the same amount of paperwork to take advantage of it as they do now to pay the tax.

It is a Constitutional Amendment, please don't throw it out there. It is simply not a good idea. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Hutton.

Representative HUTTON: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I think in my haste to try and find a way to help the small businesses in my community and in the State of Maine, I voted for this Constitutional Amendment to be put out to the voters. I really having now listened to all of what the good Representative from Bath said, I listened to my heart and realized that this is not the way to do it. There are other ways that we can help that have less unintended consequences than this bill has. I urge you to take to heart the good Representative's words and vote Ought Not to Pass.

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

Representative DUDLEY: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I have enjoyed the debate this morning. I agree with what I have heard. I just want to share the impact on my community, the City of Portland, would be a property tax shift to homeowners of about a quarter of a million dollars a year. That may not seem like a lot of money in the big scheme of things. It is certainly moving in the wrong direction. The opposite direction from the progress we have made with LD 1 in our other efforts. Thank you.

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

Representative CLOUGH: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would like to remind everyone that this is not just about small business. This is about every taxpayer in the state that owns personal property. It is about your yard equipment. Many tractors today that you use for grooming your yard or rototilling and all the attachments you might get can run close to \$20,000. Most communities do not tax this property right now. There are some who have decided that they are interpreting the law to say that they must tax all personal equipment and they have attempted to do this in Windham, for example, without success, I would also report. Some towns are now deciding that it is time to start taxing. At least one town that we have talked with has decided to tax carpenter's tools, electrician's tools, plumber's tools, auto mechanic's tools, in addition to personal property that you might have for your own use on your own property for yard work and garden work.

I would ask you to support this proposal. I think we will let it make sense and it will put this to rest. This is going to be a problem from now on now that some have started to do it. Mr. Speaker, would you ask the Clerk to read the report.

Representative CLOUGH of Scarborough REQUESTED that the Clerk READ the Committee Report.

The Clerk READ the Committee Report in its entirety.

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

Representative CLARK: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. After you heard the report, don't be surprised when you see a light change up on the total board when the vote is taken. Listening to the debate here this morning and the other day really changed my mind to the point I don't think I did the right thing when I voted for the bill in the committee. Very seldom will I ever change my vote. I usually stick with it high or dry. This time, I can tell you that by listening to the debate and listening to my heart as was said by my other colleague who signed on the Majority Report also, I think I did the wrong thing and I hope you follow me when we vote today and do the right thing. Thank you Mr. Speaker.

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. This bill comes out of a proposal that I made to the Taxation Committee, I believe, in part, because I was trying to help small businesses in my town by providing 100 percent reimbursement for personal property under \$20,000 as well as for BETR equipment under \$100,000. The idea was to make the towns whole and to help small businesses.

Having listened to my good colleague from Bath and the others, I realize that I have stirred something up that, unfortunately, is an effort to try to create some tax relief. I think what we need is comprehensive tax reform and what we are doing is chipping at the rock. I believe what we need to do is come back and do the right thing and do the right job comprehensively. I would encourage you to follow the light of the good Representative from Bath. Thank you.

Representative CLOUGH of Scarborough REQUESTED a roll call on FINAL PASSAGE.

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

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Watson.

Representative WATSON: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House for this second opportunity to speak. I just want to respond, briefly, to some comments by my colleague, Representative Clough. He mentioned some towns are now starting to tax personal property that might include your garden tractor. We did hear that one town had done that. I think if you followed up on that story you also found that that town very quickly decided not to.

With regard to contractor's tools, there is already an exemption for contractor's tools, tools of the trade. You just voted this morning to give one to lobstermen on their traps. This is not a problem that really can have a solution to adjust anything. We are not paying personal property tax on the tools in our garden shed. We are paying personal property tax on the cash register, the file cabinet and things like that, unless we can find a way around it. All this is doing is inviting us to find a way around it.

I continue to request that we vote to defeat this measure. Thank you.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Lerman.

Representative LERMAN: Thank you Mr. Speaker. Mr. Speaker, Women and Men of the House. When we first came into session a year and a half ago, we came here with the idea of providing property tax relief to homeowners. We put together a joint select committee and worked hard and I think we should be proud to have passed LD 1. I think the benefits of LD 1 will be appreciated more and more over time. What this does is it basically shifts taxes to homeowners and really will counterbalance the little progress that we have made to provide homeowners with some property tax relief. There is no where to go. There is so few options in terms of how to raise the money it needs to provide the services that we expect of it. Any shift from personal property tax is going to end up being paid for by homeowners. I believe we need to take another look at it. I am a big fan of getting rid of the personal property tax, but this is not the way to do it. I urge you to vote against this motion. Thank you.

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

Representative KAELIN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am rising because I just received a letter today from one of my towns, not

about this bill, but about a related bill. I hope I can talk about those two bills, 2052 and 2056 together, just for a moment. This small town in Waldo County, I have spread sheets from OFPR about BETR payments. I don't have enough information to really analyze what the effect on the property taxes would be if this passes. The good Representative from Bath, Representative Watson makes a good point. In a small rural town, probably a large majority of any small businesses that would be taxed with the personal property tax probably are under \$20,000. I have no idea what that impact would be. This letter from the selectmen in Waldo asks me for specific impact projections on their share of the county budget, their share of the school budget, what happens if long-term reimbursement promises aren't made. I know if we go to the Constitution and make this change, the reimbursement issue becomes mute.

As much as I would like to support this today, I don't think I have enough information to analyze what the impact on the property taxes in one of the small rural communities that I represent would be. Even though I would like to see the tax burden go down overall here, I think I am convinced that this may have an impact on the property taxes, the homes in these small rural communities that I, as one member of this body, just simply can't analyze today. For that reason, unfortunately, I am going to have to vote against this. It is such a complex issue that I am going to have to go downstairs to OFPR and spend I don't know how much time to analyze this stuff. I can't vote for this today as much as I would like to. Thank you Mr. Speaker.

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

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

The SPEAKER: The Representative may pose his question.

Representative TUTTLE: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Did the Maine Municipal Association take a position on this bill and what is the fiscal note?

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

Representative WATSON: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In answer to that question, the Maine Municipal Association has taken a stand on this issue and that is in opposition to it. They have been joined by the Maine Service Centers Coalition, which earlier yesterday, I believe, distributed a green sheet of information about this particular bill. Maine Revenue Services couldn't give us a fiscal estimate on it because it varies from town to town. The amount of personal property that is in the evaluation is impossible to tell what this is going to cost, unless someone else in the Taxation Committee had heard data that I missed. I believe that is the case. Thank you Mr. Speaker.

Representative CLARK of Millinocket moved that the RESOLUTION and all accompanying papers be **INDEFINITELY POSTPONED**.

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

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

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

ROLL CALL NO. 467

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bliss, Bowen, Brannigan, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Clark, Craven, Crosby, Cummings, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Farrington, Finch, Fischer, Fisher, Gerzofsky, Goldman, Greeley, Grose, Hanley S, Harlow, Hogan, Hutton, Jodrey, Kaelin, Koffman, Lerman, Makas, Marley, Marraché, Mazurek, Merrill, Miller, Millett, Moody, Muse, Nass, Norton, O'Brien, Paradis, Patrick, Percy, Perry, Pilon, Pineau, Pingree, Piotti, Rector, Rines, Sampson, Saviello, Schatz, Smith W, Tardy, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Berube, Bierman, Bishop, Bowles, Brown R, Bryant-Deschenes, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Duprey, Edgcomb, Emery, Fitts, Fletcher, Flood, Glynn, Hall, Hamper, Hanley B, Hotham, Jackson, Jacobsen, Joy, Lansley, Lewin, Lindell, Lundeen, Marean, McCormick, McKane, McKenney, McLeod, Moulton, Nutting, Ott, Pinkham, Plummer, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Seavey, Sherman, Shields, Smith N, Sykes, Trahan, Vaughan.

ABSENT - Faircloth, Jennings, McFadden, Mills, Moore G, Simpson, Stedman, Thomas, Woodbury.

Yes, 81; No, 61; Absent, 9; Excused, 0.

81 having voted in the affirmative and 61 voted in the negative, with 9 being absent, and accordingly the RESOLUTION and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Allow Small Businesses To Participate in Liquor Sales"

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

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-821) AS AMENDED BY HOUSE AMENDMENT "A" (H-854) thereto in the House on March 29, 2006.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-821) AS AMENDED BY SENATE AMENDMENT "A" (S-560)** thereto in **NON-CONCURRENCE**.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-934)** on Bill "An Act To Strengthen and Improve Review Procedures in the Certificate of Need Program"

(H.P. 1254) (L.D. 1814)

Signed:

Senators:

MAYO of Sagadahoc
MARTIN of Aroostook
ROSEN of Hancock

Representatives:

PINGREE of North Haven
WALCOTT of Lewiston
GROSE of Woolwich

WEBSTER of Freeport
MILLER of Somerville
BURNS of Berwick
CAMPBELL of Newfield
GLYNN of South Portland

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

Signed:

Representatives:

SHIELDS of Auburn
LEWIN of Eliot

Representative SOCKALEXIS of the Penobscot Nation - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-934)** Report.

READ.

Representative PINGREE of North Haven moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

On motion of Representative SHIELDS of Auburn, **TABLED** pending the motion of Representative PINGREE of North Haven to **ACCEPT** the Majority **Ought to Pass as Amended** Report and specially assigned for Monday, April 10, 2006.

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

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

Representative **TUTTLE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I guess as most of us know, the University of Maine Hockey Team lost last night in the Frozen Four in the semi-final game 5 to 2 to the University of Wisconsin. They played a good game and they had a good season. If I am not mistaken, Greg Moore of Lisbon is the first native Maine player to be captain of the University of Maine team. I think Coach Tim Whitehead and the team made us all proud to be Mainers last night. They deserve all our gratitude.

On motion of Representative GERZOFSKY of Brunswick, the House adjourned at 12:08 p.m., until 9:00 a.m., Monday, April 10, 2006 in honor and lasting tribute to Philip H. Soule, of Brunswick.