

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
38th Legislative Day
Monday, April 10, 2006

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

Prayer by Reverend Mark K. Tanner, Skowhegan Federated Church.

National Anthem by Josh Tanner, Skowhegan.
Pledge of Allegiance.

Doctor of the day, Lisa Letourneau, M.D., Scarborough.

The Journal of Friday, April 7, 2006 was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Increase the Minimum Wage"

(H.P. 174) (L.D. 235)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-725) AS AMENDED BY HOUSE AMENDMENT "D" (H-916) thereto in the House on April 5, 2006.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-725)** in **NON-CONCURRENCE**.

Representative SMITH of Van Buren moved that the House **RECEDE AND CONCUR**.

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.

On further motion of the same Representative, **TABLED** pending his motion to **RECEDE AND CONCUR** and later today assigned. (Roll Call Ordered)

Non-Concurrent Matter

An Act To Expand the Maine Economic Improvement Fund

(H.P. 38) (L.D. 42)

PASSED TO BE ENACTED in the House on May 23, 2005. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-281)**)

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Increase Eligibility for the Property Tax Exemption for Veterans'

(H.P. 70) (L.D. 74)

PASSED TO BE ENACTED in the House on June 2, 2005. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-529)**)

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Increase the Adult Education State Subsidy by a Specific Percentage

(S.P. 38) (L.D. 96)

PASSED TO BE ENACTED in the House on April 12, 2005. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-63)**)

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Improve the Delivery of Maine's Mental Health Services

(S.P. 57) (L.D. 151)

PASSED TO BE ENACTED in the House on June 17, 2005. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-367) AS AMENDED BY HOUSE AMENDMENT "A" (H-716) AND SENATE AMENDMENT "B" (S-373)** thereto)

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Amend the Law Regarding Resale Certificates

(H.P. 120) (L.D. 169)

PASSED TO BE ENACTED in the House on May 19, 2005. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-78) AS AMENDED BY SENATE AMENDMENT "B" (S-122)** thereto)

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Conform the Maine Tax Code with the Federal Health Savings Accounts Laws

(H.P. 146) (L.D. 195)

PASSED TO BE ENACTED in the House on June 14, 2005. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-532) AND HOUSE AMENDMENT "A" (H-653)**)

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Extend the Tax Credit for Clean Fuel Infrastructure Development

(H.P. 232) (L.D. 308)

PASSED TO BE ENACTED in the House on May 11, 2005. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-189)**)

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Clarify the Definition of "Domiciled" for Maine Income Tax Purposes

(H.P. 248) (L.D. 325)

PASSED TO BE ENACTED in the House on June 9, 2005. (Having previously been **PASSED TO BE ENGROSSED AS**

AMENDED BY COMMITTEE AMENDMENT "A" (H-588) AS AMENDED BY HOUSE AMENDMENT "A" (H-658) thereto)

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, To Establish an Education Pilot Program for Registered Nurses

(S.P. 129) (L.D. 405)

FINALLY PASSED in the House on May 11, 2005. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-100)**)

Came from the Senate with the Resolve and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Clarify for Tax Purposes That Manure Removal and Storage Are Operations Directly Involved in the Raising and Care of Livestock

(S.P. 161) (L.D. 535)

PASSED TO BE ENACTED in the House on May 11, 2005. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-88)**)

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

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

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

PASSED TO BE ENACTED in the House on May 16, 2005. (Having previously been **PASSED TO BE ENGROSSED**)

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Require Fair and Timely MaineCare Payments to Hospitals

(S.P. 214) (L.D. 678)

PASSED TO BE ENACTED in the House on May 20, 2005. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-181)**)

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

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

(H.P. 511) (L.D. 716)

PASSED TO BE ENACTED in the House on May 9, 2005. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-176)**)

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Support the New Century Community Program

(H.P. 543) (L.D. 766)

PASSED TO BE ENACTED in the House on May 16, 2005. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-227)**)

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Stimulate Economic Development in Maine's Aviation Industry

(H.P. 727) (L.D. 1074)

PASSED TO BE ENACTED in the House on May 18, 2005. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-299)**)

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Create a Grandparent-to-grandchild Exemption in the Real Estate Transfer Tax

(H.P. 743) (L.D. 1090)

PASSED TO BE ENACTED in the House on May 9, 2005. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-171)**)

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Increase Access to Justice in Maine's Court System

(H.P. 1065) (L.D. 1518)

PASSED TO BE ENACTED in the House on June 6, 2005. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-620)**)

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Award Income Tax Credits for Boiler or Furnace Systems That Reduce or Eliminate Certain Pollutants

(H.P. 1159) (L.D. 1647)

PASSED TO BE ENACTED in the House on June 7, 2005. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-628)**)

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Protect Military Families (EMERGENCY)
(H.P. 1207) (L.D. 1700)

PASSED TO BE ENACTED in the House on March 16, 2006.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-775)**)

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED in NON-CONCURRENCE.**

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

Non-Concurrent Matter

An Act To Restore the Funding to the Fund for the Efficient Delivery of Local and Regional Services

(H.P. 1219) (L.D. 1712)

PASSED TO BE ENACTED in the House on February 9, 2006. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-741)**)

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED in NON-CONCURRENCE.**

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

Non-Concurrent Matter

An Act To Create a Children's Education Advocate
(S.P. 752) (L.D. 1958)

PASSED TO BE ENACTED in the House on March 16, 2006.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-475)**)

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED in NON-CONCURRENCE.**

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

SPECIAL SENTIMENT CALENDAR

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

In Memory of:

Patricia M. Ryan, of Kennebunk, longtime educator, who was dedicated to promoting excellence and the pursuit of lifelong learning. Educated as a nurse, Dr. Ryan began her career as a faculty member at St. Joseph Hospital School of Nursing and later taught at Quincy College. During her tenure at Quincy College, she held numerous positions, including Dean of Health and Life Sciences, Executive Dean of Plymouth Campus and Dean of Academics. In 1995, she was President of Harcum College in Bryn Mawr, Pennsylvania. In 2002, she was appointed President of York County Community College by the Board of Trustees of the Maine Community College System. She led the college through its transition from a technical college to a comprehensive community college. She worked tirelessly to ensure that a strong foundation for York County Community College was in place. Because of her efforts, future generations of Maine citizens will achieve their dream of a college education. Dr. Ryan's contributions to higher education have been many, and her spirit, intelligence, energy and humor will be deeply missed by all who knew her. We extend our condolences to her family;

(SLS 1063)

On **OBJECTION** of Representative SMITH of Monmouth, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **SMITH:** Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I just wanted to briefly draw attention to Pat Ryan. The good Representative from China, Representative Thompson and I got to know Pat through Leadership Maine last year. We're alumni of the Nu class in 2005. Those of you who have been through Leadership Maine know that you really get to know people in this yearlong event where you cross the state looking at the State's economy and also get to learn leadership styles and get to know each other on a very different level than in any other training opportunity I've had. The two words that come to mind to describe Pat are quite spoken and determined. She was most proud, in her professional career, of the creation of the nursing school within the York County Community College. In her obituary that was the one place where they chose to have money donated in remembrance of the hard work that she did. I just wanted to rise and not let this memoriam pass without taking note on the floor. Thank you.

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

Representative **COLLINS:** Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I know Pat Ryan. She was a member of my Rotary Club in Wells. We worked together on many community projects. Best of all, I remember her as a dedicated educational professional. She worked very hard at her craft educating, in particular, young people and in some instances, at York County Community College, adults as well. She was dedicated to her job. She worked very, very hard. She raised a family. At one time she was a construction worker, as I remember correctly, early on in her adulthood. She worked very hard in that job as well. An unfortunate thing happened. She left us way too soon. She had a lot of work ahead of her. She started a nursing program at York County Community College. She just left us way too soon. Regrettably, she is gone now, but here legacy will live on at the York County Community College. Because of her hard work and dedication to her job, it will live on for many years to come. I can only say that, regrettably, I hate to see this woman leave us, but, I guess it's just the way it is. 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. I actually only met Dr. Ryan one time. On behalf of the people of Kennebunk and the people of York County we extend our regards and sorrows regarding this person who made such a great contribution to York County. I did communicate with her during the last week of her life and was stunned to learn of this news. On behalf of the people of the area, our thoughts and wishes are with you.

The **SPEAKER:** The Chair recognizes the Representative from China, Representative Thompson.

Representative **THOMPSON:** Thank you Mr. Speaker. Mr. Speaker, Women and Men of the House. I just want to add my voice to the many people that will miss this woman. I met Pat at an Outward Bound leadership school. We stood on the tops of telephone poles. We stood in trees. We climbed up and down things that you don't think you can climb up and down. We teamed up to clean latrines. I don't know how often you clean latrines with a college president, but, this was an incredible, incredible woman and she will really, really be missed. Her smile carried a lot of people to a lot of heights. Thank you.

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

**REPORTS OF COMMITTEE
Ought to Pass Pursuant to Statute**

Representative NORTON for the **Joint Standing Committee on Education and Cultural Affairs** on Bill "An Act To Implement the Recommendations of the Joint Standing Committee on Education and Cultural Affairs Regarding the Telecommunications Relay Services Advisory Council Pursuant to Reviews Conducted under the State Government Evaluation Act"

(H.P. 1495) (L.D. 2105)

Reporting **Ought to Pass** pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4.

Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE** and assigned for **SECOND READING** later in today's session.

**CONSENT CALENDAR
First Day**

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

(H.P. 1241) (L.D. 1733) Resolve, Authorizing the Commissioner of Administrative and Financial Services To Enter into Long-term Ground Leases of Real Property and To Convey the Stone Buildings, the Administrative Building and the Center Building Formerly Occupied by the Augusta Mental Health Institute Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-973)**

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

(H.P. 1218) (L.D. 1711) Bill "An Act To Make Minor Substantive Changes to the Tax Laws" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-974)**

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

The Unanimous Committee Report was **READ**.

On further motion of the same Representative **TABLED**, pending **ACCEPTANCE** of the Committee Report and later today assigned.

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

Bill "An Act To Increase Consumer Awareness of Prescription Drug Pricing"

(H.P. 1392) (L.D. 1987)
(C. "A" H-965)

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

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

**ENACTORS
Emergency Measure**

An Act Regarding Continuing Improvements in the MaineCare Program

(S.P. 674) (L.D. 1757)
(C. "A" S-547)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 118 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Amend the Harness Racing Laws Regarding Distributions from the Fund to Supplement Harness Racing Purses

(S.P. 786) (L.D. 2042)
(C. "A" S-553)

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

Representative FISCHER of Presque Isle **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 Passage to be Enacted. 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. 468

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

NAY - NONE.

ABSENT - Bliss, Bryant-Deschenes, Burns, Cebra, Crosby, Dunn, Fisher, Greeley, Hogan, Hotham, Kaelin, Lundeen, McKenney, Moore G, O'Brien, Ott, Perry, Sampson, Saviello, Stedman, Thomas.

Yes, 130; No, 0; Excused, 0.

130 having voted in the affirmative and 0 voted in the negative, with 21 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, To Clarify Contingency Allowance under the Certificate of Need Law

(S.P. 701) (L.D. 1784)
(C. "A" S-548)

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. 107 voted in favor of the same and 10 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 33: Home Day Care Provider Rules, a Major Substantive Rule of the Department of Health and Human Services

(H.P. 1459) (L.D. 2064)

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. 117 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 Create Employment Opportunities for People with Disabilities

(H.P. 1351) (L.D. 1910)
(C. "A" H-938)

An Act Regarding Prescription Drug Information Intermediaries

(S.P. 771) (L.D. 1992)
(C. "A" S-549)

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

An Act To Amend the Notice of Risk to Personal Data Act

(H.P. 1417) (L.D. 2017)
(C. "A" H-925)

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

On motion of Representative CUMMINGS of Portland, was **SET ASIDE**.

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

Resolve, To Ensure Financial Management at the Department of Health and Human Services

(S.P. 748) (L.D. 1949)
(C. "A" S-546)

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

On motion of Representative CUMMINGS of Portland, was **SET ASIDE**.

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

Resolve, Authorizing a Pilot Project To Allow Timber Harvesting Equipment To Be Moved during Nighttime

(H.P. 1454) (L.D. 2058)
(C. "A" H-942)

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

On motion of Representative CUMMINGS of Portland, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **FINAL PASSAGE**.

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

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

ROLL CALL NO. 469

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

NAY - Churchill.

ABSENT - Bliss, Crosby, Dunn, Duplessie, Hotham, Kaelin, Lerman, Lundeen, Moore G, O'Brien, Ott, Perry, Sampson, Saviello, Stedman, Thomas, Watson.

Yes, 133; No, 1; Absent, 17; Excused, 0.

133 having voted in the affirmative and 1 voted in the negative, with 17 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

The following item was 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 Friday, April 7, 2006, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Expression of Legislative Sentiment Recognizing Lucy E. Stinson, of Bath, for her 15 years as Executive Director of the Maine Trial Lawyers Association

(SLS 1054)

- In Senate, **READ** and **PASSED**.

TABLED - April 7, 2006 (Till Later Today) by Representative GROSE of Woolwich.

PENDING - PASSAGE.

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. It is my honor, today, to say a few words recognizing Lucy Stinson, of Bath. She not only came from my hometown but I have to say she has always, every time that I talk to here, reflected the best of Maine. It's difficult to get a lot of professions to all agree and support each other. Probably lawyers, who by definition are contentious, are probably one of the most difficult to bring together. She has done that successfully for several decades. I want to thank her for that. I also want to thank her for the fact that, every time that you're dealing with her on an issue, she does it in a way that's professional and supportive and helpful, trying to get the right information to us. I wish her the best. I envy her retirement because I know that she'll be down off the Georgetown Islands relaxing while many of us will be working hard. She certainly deserves it. I want to wish her the best. Thank you.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Tardy.

Representative TARDY: Thank you Mr. Speaker. Mr. Speaker and members of the House. I too rise in support of this sentiment. I've enjoyed working with Lucy Stinson for my 13 years in practice and the two where I was a lobbyist for the Maine Trial Lawyers Association and she was my boss. I think Lucy for your dedication to justice for all of Maine. Congratulations on a job well done.

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. Lucy Stinson has had one of the toughest jobs around, for the last couple of decades. She has been house mother to trial lawyers. As one of those people, I have to express my appreciation for the personal attention she has paid to all of us, the promptness she responds with information, credible and reliable information, and most importantly health. My congratulations to Lucy and her husband Skip. I wish her the very best in the years to come. Thank you Mr. Speaker.

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

Representative FAIRCLOTH: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. During my one and only stint lobbying on behalf of the Maine State Bar Association, I worked closely with Lucy Stinson. She was someone who did a fantastic job, in my collaboration with her, of always reminding all of our colleagues in the bar, the goal is justice. She was always speaking, not just on the analysis of the statute that might have been before us, but philosophically that the law should be for justice and should be for those who are vulnerable and for the victims in our society. She did a tremendous job of that during her many years of service with the Trial Lawyers.

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

Representative MILLS: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. It has been my pleasure to work with Lucy Stinson on a variety of matters for the last fifteen years and to have served on the board of the organization which she has worked for. I too echo the sentiments of the previous speakers. This is a woman who cares very deeply about the law, about justice and about protecting Maine families and individual rights. She has done a yeoman's work in the halls of this Legislature and elsewhere in the public arena on behalf of the cause of justice for these many years. We are

deeply regretful of her leaving and retiring. It will be very difficult for anyone to fill her shoes. I too wish her and her husband Skip the best of luck in their retirement years. We do hope to see her back here in other capacities and to work with her again. We will miss her knowledge, her experience and her tactful pleasant demeanor, her magical way of getting things done. Thank you.

Subsequently, this Expression of Legislative Sentiment was PASSED in concurrence.

TABLED AND TODAY ASSIGNED

HOUSE DIVIDED REPORT - Majority (11) Ought to Pass as Amended by Committee Amendment "A" (H-934) - Minority (2) Ought Not to Pass - Committee on HEALTH AND HUMAN SERVICES on Bill "An Act To Strengthen and Improve Review Procedures in the Certificate of Need Program"

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

TABLED - April 7, 2006 by Representative SHIELDS of Auburn.
PENDING - Motion of Representative PINGREE of North Haven to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report.

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

Representative SHIELDS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The title of this bill somewhat camouflages the real intent of it. The real intent of this bill was expressed in the initial presentation to the Health and Human Services Committee wherein the intent was printed in the concept draft. I quote, "Proposes to make the following changes in the Certificate of Need Program: 1. Lower the dollar amounts for the thresholds for review; 2. Add requirements for reporting regarding projects that do not require review; 3. Add methods for determining community need, including the use of population surveys, replacing the method of relying on utilization rates; 4. Clarify the roles for other state agencies and offices, in particular the Department of Professional and Financial Regulation, Bureau of Insurance and the Maine Center for Disease Control and Prevention; and 5. Impose upon the certificate of need process the adjudicatory hearings procedures applicable under the Maine Administrative Procedure Act, including the use of an impartial hearing officer who would make a recommendation to the Commissioner of Health and Human Services." These proposed changes in the concept draft basically translates to, they want to lower the cost level so that more projects will have to come under review. They want to add more projects that have been exempted before. They want to use methods to justify community need, which are not widely accepted. They want to bring in a number of other state agencies in the process, which could complicate the already complicate certificate of need review. They want to use a hearing officer to decide things which could likely be a Department of Health and Human Services employee and the objectivity would be difficult. This concept draft was the original document before our committee. Today, we are dealing with an amendment which forms a workgroup of twelve people to cover these items just listed. This workgroup membership includes only one person representing both the entire Maine Medical Association and Maine Osteopathic Association and only one person representing ambulatory surgical centers, none of whom are necessarily physicians. The other 10 members on this workgroup are from the Legislature, the bureaucracy and the public. The workgroup is authorized to present legislation to the 123rd Legislature. This is what we're with today. In the public hearing on this bill, there was significant opposition to this bill voiced by Maine Health, which is an organization that has six member hospitals. These hospitals are

the Maine Medical Center, Miles Memorial Hospital, St. Andrews Hospital, Steven's Memorial Hospital, Spring Harbor Hospital and New England Rehabilitation Hospital. Their spokesperson voiced concern, about all of the items originally listed, as too restrictive, unclear, overburdensome and expensive. The Maine Hospital Association also testified, which represents all of the hospitals in the state, in opposition of this bill because of the expansion of the authority of the Department of Health and Human Services and they felt the lack of adequate representation in the workgroup by the hospitals. This situation is suspect of another step to make government control of private enterprise more restrictive, and another step toward socialized health care. The proposed workgroup is heavily weighted toward the current political power structure and is empowered to propose legislation. Since we're talking about certificate of need, let me refresh your memory about what happened in the previous session of this Legislature. I presented a bill which excluded private doctor's offices, also known as ambulatory surgical centers, from the certificate of need process. The initial vote in this house was strongly in favor of that. The hospitals became alarmed. A statewide network of hospital trustees called their legislators to express their fear of the unfair competition this might cause. We all love our community hospitals, and if they're threatened by anything, we rise to their defense. When you analyze the following circumstances of the issue, I think you will agree with me that private doctor's offices, with or without surgery, are not a threat to our hospitals. Let us compare. Hospitals pay no taxes, no property taxes, no personal property taxes and no income taxes. Private offices, surgical centers, pay all of those. Hospitals are reimbursed by MaineCare for their costs. Private surgical centers are paid only a fee for service with no operational costs. Hospitals provide in-house care as long as it is needed for a patient. Private surgical centers cannot keep anybody even overnight. Hospitals have surgical suits for all the specialties. Private surgical centers are restricted to only one surgical specialty. Can you conclude that doctor's offices are a big threat to hospitals with these circumstances? I don't think so. A private doctor's office is a small business. This administration and Legislature is on record to support small business, so why do they saddle all of these restrictions of CON onto these small businesses. This will be, probably, the last opportunity I will have to attack CON in the name of private enterprise. Certificate of need has a place, and that place, currently, is in dealing with long-term care facilities. I don't think we need to get rid of it. Without this in place for long-term care facilities, we would be deluged with nursing home expenses that would be monumental. Fourteen states have no certificate of need and about the same number have a very limited certificate of need and incidentally, almost all, consistently for long-term care facilities. This bill aims toward more bureaucratic control of, and restriction of, needed health care facilities in this state. I cannot support this bill that aims at enhancing that bureaucratic control. The initial aims in the concept draft are quite clear. I encourage you to vote against it. Mr. Speaker, when the vote is taken, I request a roll call.

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

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

The **SPEAKER**: The Chair recognizes the Representative from Somerville, Representative Miller.

Representative **MILLER**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise to respond to the good Representative from Auburn's comments. I respect his stand. He's a long standing opponent of certificate of need. I

think he's recognizing this as, perhaps, his last time on the floor to take a shot at it. I appreciate that. Yes, I submitted this bill. I submitted it as a concept bill. I submitted it on behalf of a member of the Commission to Study Maine's Hospitals. That is a report that has been before the Health and Human Services Committee, of which I am a member. The reason I submitted it is that there are many changes going on right now in our hospital sector and our healthcare sector. We now have a new state health plan. We have a capital investment fund we didn't have before. We have a restructured Department of Health and Human Services which has moved the CON review office. There are a number of changes in the system right now which affect CON. When I submitted this bill, I met with members of the Hospital Commission, the Hospital Association, the Medical Association, consumer advocates, etc. What resulted was the politics of the possible, not the ideal. The politics of the possible is that many of those groups want to be part of a workgroup and take another look at certificate of need in light of all these, sort of, system changes we're looking at. You may be surprised to know the Hospital Association does not oppose certificate of need. The Medical Association sat with me in meetings to develop this workgroup. They agreed on the membership. I think it's a good way for us to look at a very important tool that we have in this state around healthcare cost control. Finally, some of those issues that the good Representative described are interests of advocates. Some of those issues he described are issues that are of interest of the Hospital Association and the Medical Association. They are not all uniformly opposed by everyone. I could tell you what the agenda is for the workgroup. You probably don't want to hear it all. It was supported by all the groups that one might think would be opposed to it. I hope you will support this effort to do a workgroup over the summer with a report back in November. That's all it is, is a workgroup. Thank you Mr. Speaker.

Representative **PINGREE** of North Haven **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 Elliot, Representative Lewin.

Representative **LEWIN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this bill as well. While I think it's a well intended concept bill, I don't think what it really does is a good thing. I view many of these small community hospitals as one would view a small business in Maine. I think while we all have a tendency to pat ourselves on the back and talk about what a great job we have done for small business, or any business in Maine for that matter, I think that's many things, but true is not among those things that it is. I think that this bill will bring more requirements, more restriction and more regulation. If there's one thing, or anything, that we do not need more of in the State of Maine, it's requirements, regulations or restrictions. I think this will put an unnecessary burden on hospitals. It will cause them to have to spend a great deal of money to support these certificates of need. I have had personal experience as a member of a board of trustees with a local hospital who applied for a cancer care unit CON. There was never a public hearing and the State, the Department, awarded that CON to another large hospital in Southern Maine, without a public hearing mind you. I think that's absolutely wrong. It's still in litigation today. Unfortunately it should not be. There was never a public hearing and when there was a review of it, the board, all but one member, voted that my hospital should have had the certificate of need. I think this is, unfortunately, a very political thing, along with being a policy thing. I don't like the restriction, the regulation or the

requirements. I would hope that most of you do not as well. 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. One morning last week, four Republican Representatives and two Republican Senators met with the executives from Goodall Hospital over at Health and Human Services. They were looking for 14 beds for the nursing home. It's about time that we did a study and made some changes and had less restrictions on this certificate of need. This is only a study and maybe we can change things and make them better. 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 know how entertained everybody is early in the morning to be talking about certificate of need. I just wanted to respond to the comments of my good colleagues from Elliot and from Auburn and build on what Representative Campbell had just stated. This is a workgroup which the Maine Hospital Association, the doctors, the osteopaths and all kinds of others believe is the right direction to go. We have had a lot of concerns with how our certificate of need program has been working or not working. This is really an opportunity to look at it more carefully. To do a study that doesn't cost money, that brings people together, and says, "This is the direction we should go." So whether or not you're in favor of certificate of need as a concept, I think that this bill, brought forward by my good seatmate, is the right direction to go because it requires people to sit down, talk about it and figure out how to make the process work, or make recommendations for changes. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative Burns.

Representative **BURNS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would like to concur with my Chair from the Health and Human Services Committee. We ought not never be afraid to stop and study and think. That's all that's being asked to be done here. I urge you to vote along with the rest of the Health and Human Services Committee, in favor of this effort. Thank you.

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

Representative **SHIELDS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I bring to your attention, again, that the two hospital groups testified against this bill. Secondly, those who testified for it did not deny any of the statements made in the concept draft about more restrictions, more regulations and other things that were just going to bring the healthcare industry under more control. Thank you.

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

ROLL CALL NO. 470

YEA - Adams, Ash, Babbidge, Barstow, Beaudette, Blanchard, Blanchette, Bowles, Brannigan, Brautigam, Bryant, Burns, Cain, Campbell, Canavan, Clark, Craven, Cummings, Curley, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Glynn, Goldman, Grose, Hanley S, Harlow, Hogan, Hutton, Jackson, Jacobsen, Jennings, Koffman, Lerman, Makas, Marley, Marraché, Mazurek, Merrill, Miller, Mills, Moody, Norton, O'Brien, Paradis, Patrick, Percy, Pilon, Pineau, Pingree, Piotti,

Rines, Rosen, Saviello, Schatz, Sherman, Simpson, Smith N, Smith W, Thompson, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

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

ABSENT - Bliss, Hotham, Kaelin, Lundeen, Moore G, Ott, Perry, Sampson, Stedman, Thomas.

Yes, 80; No, 61; Absent, 10; Excused, 0.

80 having voted in the affirmative and 61 voted in the negative, with 10 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-934)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, April 11, 2006.

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

ENACTORS

Emergency Measure

An Act To Amend the Rule-making Authority of the Commissioner of Public Safety Regarding the Construction, Installation, Maintenance and Inspection of Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances

(H.P. 1265) (L.D. 1825)

(C. "A" H-943)

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. 104 voted in favor of the same and 32 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Educational Personnel, Part I and Part II, a Major Substantive Rule That Has Been Provisionally Adopted by the Department of Education

(H.P. 1375) (L.D. 1963)

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

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 895: Underground Facility Damage Prevention Requirements, a Major Substantive Rule of the Public Utilities Commission

(H.P. 1456) (L.D. 2060)

(C. "A" H-948)

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. 134 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 Regarding Working Waterfront Covenants
(S.P. 730) (L.D. 1930)
(C. "A" S-556)
 - An Act To Implement Model Time-share Foreclosure Procedures
(S.P. 732) (L.D. 1932)
(C. "A" S-557)
 - An Act To Further Reduce Mercury Use and Emissions
(S.P. 787) (L.D. 2043)
(C. "A" S-561)
 - 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)
 - An Act To Implement Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Regarding Pesticide Registration
(H.P. 1460) (L.D. 2065)
(C. "A" H-944)
 - An Act To Increase Wetland Protection
(H.P. 1465) (L.D. 2071)
(C. "A" H-949)
 - An Act To Clarify the Taxable Status of Parts Provided under a Service Contract
(S.P. 815) (L.D. 2084)
(C. "A" S-551)
 - An Act To Change the Date for Agency Submission of Provisionally Adopted Major Substantive Rules
(S.P. 843) (L.D. 2102)
- Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Resolves

- Resolve, To Require the Department of Labor, in Consultation with Interested Parties, To Examine the Laws and Practices Regarding the Definition of "Employment" for Purposes of Unemployment Compensation
(H.P. 1287) (L.D. 1847)
(C. "B" H-937)
 - Resolve, To Ensure the Availability of Public Drinking Water Supplies
(S.P. 809) (L.D. 2070)
(C. "A" S-562)
- Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

- An Act Authorizing the Deorganization of Drew Plantation
(S.P. 679) (L.D. 1762)
(C. "A" S-511)
- Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.
On motion of Representative BARSTOW of Gorham, 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 Passage to be Enacted. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 471

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

NAY - Babbidge, Barstow, Brannigan, Craven, Dunn, Farrington, Fischer, Tuttle, Twomey, Walcott.

ABSENT - Bliss, Hotham, Kaelin, Lundeen, Moore G, Ott, Perry, Plummer, Sampson, Stedman, Thomas.
Yes, 130; No, 10; Absent, 11; Excused, 0.

130 having voted in the affirmative and 10 voted in the negative, with 11 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

- An Act To Clarify Laws Governing Eminent Domain
(H.P. 1310) (L.D. 1870)
(C. "A" H-945)

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

On motion of Representative FISCHER of Presque Isle, 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 Passage to be Enacted. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 472

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, Carr, Cebra, Churchill, Clark, Clough, Collins, Craven, Cressey, Crosby, Crosthwaite, Cummings, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Duprey, Eberle, Eder, Edgecomb, Emery, Faircloth, Farrington, Finch, Fischer, Fitts, Fletcher, Flood, Glynn, Goldman, Greeley, Grose, Hall, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Joy, Koffman, Lansley, Lewin, Lindell, Makas, Marean, Marraché, Mazurek, McCormick, McFadden, McKane, McLeod, Merrill, Miller, Millett,

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

NAY - NONE.

ABSENT - Canavan, Fisher, Gerzofsky, Hotham, Kaelin, Lerman, Lundeen, Marley, McKenney, Moore G, Ott, Perry, Sampson, Stedman, Thomas.

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

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

Resolve, Regarding Legislative Review of Portions of Chapter 130: Implementing the State Purchasing Code of Conduct, a Major Substantive Rule of the Department of Administrative and Financial Services

(H.P. 1401) (L.D. 1999)
(S. "A" S-541)

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

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

The same Representative **REQUESTED** a roll call on **FINAL PASSAGE**.

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

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

ROLL CALL NO. 473

YEA - Adams, 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, Carr, Churchill, Clark, Clough, Collins, Craven, Cressey, Cummings, Curley, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Edgecomb, Faircloth, Farrington, Finch, Fischer, Flood, Gerzofsky, Glynn, Goldman, Greeley, Grose, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Koffman, Lansley, Lindell, Makas, Marean, Marley, Marraché, Mazurek, McMadden, McKane, McLeod, Merrill, Miller, Millett, Moody, Moulton, Muse, Nass, Norton, Nutting, O'Brien, Paradis, Patrick, Percy, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Rector, Richardson M, Richardson W, Rines, Rosen, Saviello, Schatz, Seavey, Sherman, Simpson, Smith N, Smith W, Sykes, Tardy, Thompson, Trahan, Tuttle, Twomey, Valentino, Vaughan, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Cebra, Curtis, Duprey, Emery, Fitts, Fletcher, Hall, Joy, Lewin, McCormick, Richardson D, Richardson E, Robinson, Shields.

ABSENT - Canavan, Fisher, Hotham, Kaelin, Lerman, Lundeen, McKenney, Mills, Moore G, Ott, Perry, Sampson, Stedman, Thomas.

Yes, 122; No, 15; Absent, 14; Excused, 0.

122 having voted in the affirmative and 15 voted in the negative, with 14 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Resolve, To Require the Department of Labor, in Consultation with Interested Parties, To Examine the Laws and Practices Regarding the Definition of "Employment" for Purposes of Unemployment Compensation

(H.P. 1287) (L.D. 1847)
(C. "B" H-937)

On motion of Representative TARDY of Newport, the House **RECONSIDERED** its action whereby the Resolve was **FINALLY PASSED**.

The same Representative **REQUESTED** a roll call on **FINAL PASSAGE**.

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

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

ROLL CALL NO. 474

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, Carr, Cebra, Churchill, Clark, Clough, Collins, Craven, Cressey, Crosby, Crosthwaite, Cummings, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Duprey, Eberle, Eder, Edgecomb, Emery, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Glynn, Goldman, Greeley, Grose, Hall, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Joy, Koffman, Lansley, Lewin, Lindell, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McMadden, McKane, McLeod, Merrill, Miller, Millett, Mills, Moody, Moulton, Muse, Nass, Norton, Nutting, O'Brien, Paradis, Patrick, Percy, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Robinson, Rosen, Saviello, Schatz, Seavey, Sherman, Shields, Simpson, Smith N, Smith W, Sykes, Tardy, Thompson, Trahan, Tuttle, Valentino, Vaughan, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - NONE.

ABSENT - Canavan, Hotham, Kaelin, Lerman, Lundeen, McKenney, Moore G, Ott, Perry, Sampson, Stedman, Thomas, Twomey.

Yes, 138; No, 0; Absent, 13; Excused, 0.

138 having voted in the affirmative and 0 voted in the negative, with 13 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Joint Order

Report of the **Joint Standing Committee on Education and Cultural Affairs** on Bill "An Act Relating to Secondary School Construction Projects"

(S.P. 844) (L.D. 2104)

Reporting **Ought to Pass** pursuant to Joint Order 2006, S.P. 764.

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

Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE** and assigned for **SECOND READING** later in today's session.

CONSENT CALENDAR

First Day

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

(S.P. 381) (L.D. 1064) Bill "An Act To Clarify the Laws Governing Agricultural Composting Operations" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "B" (S-563)**

(S.P. 735) (L.D. 1934) Resolve, To Improve Retention, Quality and Benefits for Direct Care Health Workers Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-568)**

(S.P. 760) (L.D. 1973) Resolve, To Improve Quality and Access to Mental Health Care Through the Development of a Joint Strategic Plan Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-569)**

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

SENATE PAPERS

The following Joint Resolution: (S.P. 845)
JOINT RESOLUTION RECOGNIZING ADULT EDUCATION IN MAINE

WHEREAS, since 1871, Maine's public schools have supported the development of an adult education system, which has grown and adapted to meet the needs of Maine's population at 120 locations throughout the State, serving more than 117,000 adults annually; and

WHEREAS, adult education in Maine has emphasized comprehensive college transition programs, which have been successfully piloted in 7 Maine adult education programs in collaboration with the Maine Compact for Higher Education and postsecondary institutions, including Maine's community colleges and university system, and which provide career guidance and college preparation classes for aspiring students; and

WHEREAS, these transition programs have been funded by the Nellie Mae Education Foundation and through 18 grants that reach 27 adult education locations from the MELMAC Education Foundation, and the programs build on many years of work by local programs assisting Maine adults in preparing for college and help Maine meet the goal of adding substantially to the number of college degree holders; and

WHEREAS, another area of emphasis in adult education in Maine is direct service to more than 3,500 of Maine's dislocated workers from 100 companies during the past 4 years, including high school completion and GED classes, with 2,787 credentials awarded in Maine last year, and career preparation and upgrading courses, with programs tailored specifically for Maine businesses; and

WHEREAS, community education courses contribute to the quality of life in Maine communities, offering the opportunity for the people of Maine to share their talents and to learn from others. In several regions, adult education programs are leading the way in developing the Creative Economy Initiative; and

WHEREAS, adult education in Maine is a partnership involving many local and statewide organizations and is funded by state subsidy, local taxpayer support, grants, contracts and fees paid by those enrolled in nonacademic courses; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-second Legislature, now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to acknowledge and applaud Maine's adult education programs, which uniquely reflect the needs of the communities they serve and provide a vital system of service to the population of the State as new challenges are faced in economic, community and family life; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Department of Education.

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

REPORTS OF COMMITTEE

Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Making Improvements to the Laws Regarding Local Land Use Ordinances"

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

has had the same under consideration, and asks leave to report:

That the House **READ** and **ACCEPT** the Report.

That the Senate **RECEDE** from **ACCEPTANCE** of Report "B" (2) **OUGHT TO PASS AS AMENDED** of the Committee on **NATURAL RESOURCES**; **RECEDE** from **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-833)** and **RECEDE** from **ADOPTION** of **COMMITTEE AMENDMENT "B" (H-833)**.

That the Senate **CONCUR** with **ACCEPTANCE** Report "A" (8) **OUGHT TO PASS AS AMENDED** of the Committee on **NATURAL RESOURCES**; **CONCUR** with **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-832)**; and **CONCUR** with **ADOPTION** of **COMMITTEE AMENDMENT "A" (H-832)**.

Signed:

Representatives:

KOFFMAN of Bar Harbor
DUCHESNE of Hudson
DAIGLE of Arundel

Senators:

COWGER of Kennebec
MARTIN of Aroostook
SNOWE-MELLO of Androscoggin

The Committee of Conference Report was **READ** and **ACCEPTED**.

Divided Report

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-559)** on Bill "An Act To Make Adjustments to the Allagash Wilderness Waterway"

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

Signed:

DAIGLE of Arundel

Senators:

NUTTING of Androscoggin
BRYANT of Oxford
RAYE of Washington

Representatives:

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

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

Signed:

Representative:

TWOMEY of Biddeford

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-539)**.

READ.

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

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

Divided Report

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-539)** on Bill "An Act To Ensure the Long-term Capacity of Municipal Landfills" (EMERGENCY)

(S.P. 712) (L.D. 1795)

Signed:

Senators:

COWGER of Kennebec
MARTIN of Aroostook

Representatives:

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

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

Signed:

Senator:

SNOWE-MELLO of Androscoggin

Representatives:

JOY of Crystal

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-539)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-539)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, April 11, 2006.

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

Bill "An Act To Increase the Minimum Wage"

(H.P. 174) (L.D. 235)

Which was **TABLED** by Representative SMITH of Van Buren pending the motion to **RECEDE AND CONCUR**. (Roll Call Ordered)

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

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

The SPEAKER: The Representative may pose her question.

Representative MILLS: I just want to ask for clarification. The motion to Recede and Concur would essentially defeat the amendment that this body passed last, I believe it was Thursday evening. Is that correct?

The SPEAKER: The Representative from Farmington, Representative Mills has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Van Buren, Representative Smith.

Representative SMITH: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The motion to Recede and Concur deals with the House accepting the original bill as it was originally presented. The other body has stripped the amendment that had been presented by Representative Mills. We now are dealing with concurring with the other body, which is a minimum wage of \$6.75 coming in October of 2006 and going to \$7.00 in October, 2007.

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

Representative MCKENNEY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The answer to Representative Mills' question is yes.

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. 475

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

NAY - Annis, Austin, Berube, Bierman, Bishop, Bowen, Bowles, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosby, Crosthwaite, Curley,

Curtis, Daigle, Davis G, Davis K, Duprey, Edgecomb, Emery, Fitts, Fletcher, Flood, Greeley, Hall, Hamper, Hanley B, Jacobsen, Jodrey, Joy, Lansley, Lewin, Lindell, Marean, McCormick, McFadden, McKane, McKenney, McLeod, Millett, Mills, Moody, Moulton, Muse, Nass, Nutting, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Saviello, Seavey, Sherman, Shields, Sykes, Tardy, Trahan, Vaughan, Woodbury.

ABSENT - Hotham, Kaelin, Lundeen, Moore G, Ott, Perry, Sampson, Stedman, Thomas.

Yes, 72; No, 70; Absent, 9; Excused, 0.

72 having voted in the affirmative and 70 voted in the negative, with 9 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

Representative EDER of Portland moved that the House **RECONSIDER** its action whereby the House voted to **RECEDE AND CONCUR**.

Representative DUDLEY of Portland **REQUESTED** a roll call on the motion to **RECONSIDER** whereby the House voted 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 Waldoboro, Representative Trahan.

Representative **TRAHAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I ask that you allow the Representative to reconsider this issue. It is a courtesy that's allowed to the membership when they would like to do certain things like allow amendments and things. Since the time I've been here I've seen very few of these motions to not allow a person to reconsider. I hope this chamber would give the courtesy to the gentlemen from Portland and let him have his opportunity. Thank you.

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

Representative **BLISS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I agree with my good friend, the Representative from Waldoboro. It's just common courtesy to give a Representative an opportunity. I believe we should give him that chance.

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. You know, the courtesies and the traditions of the House are very important. I will remind members of this House that there was a roll call on a tabling motion that I made last week, where just about every member of the minority party voted against me. I would hope that in the future that these traditions would be universally honored and not just when they're particularly politically convenient. Therefore, Mr. Speaker, I withdraw my motion.

Subsequently, Representative DUDLEY of Portland **WITHDREW** his request for a roll call.

Subsequently, the House **RECONSIDERED** its action whereby the House voted to **RECEDE AND CONCUR**.

On motion of Representative EDER of Portland, the House voted to **RECEDE**.

On further motion of the same Representative, **House Amendment "D" (H-916) to Committee Amendment "A" (H-725)** was **INDEFINITELY POSTPONED**.

The same Representative, **PRESENTED House Amendment "I" (H-969) to Committee Amendment "A" (H-725)** which was **READ** by the Clerk.

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 wanted to have the opportunity to offer some amendments to this bill. I offer, first for you, House Amendment "I" (H-969). What this amendment would do, it would provide an increase in the minimum hourly wage to \$7.25 per hour and \$8.00 per hour effective October 1, 2006 and that as of October 1, 2007, and on every October 1st thereafter, this amendment would provide that the Commissioner of Labor shall adjust the minimum hourly wage by any positive percentage change in the National Consumer Price Index for all urban wage earners and clerical workers in the previous year. Thank you Mr. Speaker.

Representative **SMITH** of Van Buren moved that **House Amendment "I" (H-969) to Committee Amendment "A" (H-725)** be **INDEFINITELY POSTPONED**.

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 certainly agree with the motives of the Representative from Portland in wanting to improve the wages that the citizens of Maine are paid, however, I believe this is about all we can do at this time. It would be best left to future legislators to make decisions on the minimum wages for future years. For that reason, I am moving Indefinite Postponement of this amendment and ask that you join me in voting green on this.

Representative EDER of Portland **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "I" (H-969) to Committee Amendment "A" (H-725)**.

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

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

Representative **JACOBSEN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I hope everybody here considers what they are going to do to the economy of this state. Plain and simple. That's the whole thing. Our state is made up of small businesses who are struggling to survive because of what we do in this house. I hope everybody considers what they are doing to their neighbors and friends who operate these businesses.

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

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

The SPEAKER: The Representative may pose his question.

Representative **DAVIS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Do you realize that the very people you are going to tax extra here are corner grocery stores whose marginal profits are very small? Do you realize this?

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "I" (H-969) to Committee Amendment "A" (H-725). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 476

YEA - Annis, Ash, Babbidge, Barstow, Beaudette, Berube, Blanchette, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Campbell, Canavan, Carr, Churchill, Clark, Clough, Craven, Cressey, Crosby, Cummings, Curley, Curtis, Daigle, Davis G, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Duprey, Eberle, Edgecomb, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Goldman, Greeley, Grose, Hall, Hamper, Hanley B, Hanley S, Hogan, Jackson, Jacobsen, Jennings, Jodrey, Joy, Koffman, Lerman, Lewin,

Marean, Marraché, Mazurek, McCormick, McFadden, McKane, McLeod, Merrill, Miller, Mills, Moody, Moulton, Muse, Nass, Norton, Nutting, O'Brien, Paradis, Patrick, Percy, Pilon, Pineau, Pingree, Pinkham, Piotti, Rector, Richardson D, Richardson E, Richardson W, Rines, Schatz, Sherman, Shields, Simpson, Smith N, Smith W, Sykes, Tardy, Thompson, Trahan, Tuttle, Valentino, Watson, Webster, Woodbury, Mr. Speaker.

NAY - Adams, Austin, Bierman, Bishop, Bliss, Bryant, Bryant-Deschenes, Burns, Cain, Cebra, Collins, Crosthwaite, Davis K, Eder, Emery, Glynn, Harlow, Hutton, Lansley, Lindell, Makas, Marley, McKenney, Millett, Plummer, Richardson M, Robinson, Rosen, Saviello, Seavey, Twomey, Vaughan, Walcott, Wheeler.

ABSENT - Blanchard, Hotham, Kaelin, Lundeen, Moore G, Ott, Perry, Sampson, Stedman, Thomas.

Yes, 107; No, 34; Absent, 10; Excused, 0.

107 having voted in the affirmative and 34 voted in the negative, with 10 being absent, and accordingly **House Amendment "I" (H-969) to Committee Amendment "A" (H-725) was INDEFINITELY POSTPONED.**

Representative LINDELL of Frankfort **PRESENTED House Amendment "A" (H-807) to Committee Amendment "A" (H-725)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Frankfort, Representative Lindell.

Representative LINDELL: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The amendment...

Representative SMITH: Point of Order.

The **SPEAKER**: The Representative will defer. The Chair recognizes the Representative from Van Buren, Representative Smith and inquires as to why he rises.

Representative SMITH: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I ask for a ruling from the Chair as to whether the amendment which seeks to develop a tax credit is germane to the pending bill.

Representative SMITH of Van Buren asked the Chair to **RULE if House Amendment "A" (H-807) to Committee Amendment "A" (H-725) was GERMANE to the Bill.**

The **SPEAKER**: The Chair understands that the Representative from Frankfort, Representative Lindell has offered an amendment. The amendment summary is read as follows, "This amendment allows an employer, who hires a person who has been unemployed for a year or more, or who has an unskilled laborer, a tax credit equal to the difference between the federal minimum wage and the state minimum wage multiplied by the number of hours worked by that person. The tax credit is for the first 12 months of the employment only. The tax is applicable to the tax years beginning on or after January 1, 2007. The Department of Labor is directed to establish rules to define unskilled laborer." The Chair rules that House Amendment "A" is not germane, therefore, not properly before the body. The checklist to test germaneness deals specifically with, does the amendment deal with a different topic or subject? The Chair has ruled that the minimum wage is what is properly before us. The issue of a tax credit is something which changes the topic and subject which if before us. Does the amendment unreasonably or unduly expand the subject of the bill? In the Chair's opinion, the matter is a tax credit which is being offered by the Representative from Frankfort, Representative Lindell and therefore, as a result, it would expand the subject of the bill beyond the scope to which both public hearing and notice were provided and beyond which the subject matter of the bill itself, initially, that is the minimum wage, had been offered. Would the amendment introduce an independent question? In the Chair's opinion, it would, in that it would be a tax credit as opposed to an up or down, meaning an increase or a decrease in the minimum

wage. For those reasons, the Chair has determined that House Amendment "A" is not germane.

Subsequently, the Chair **RULED that House Amendment "A" (H-807) to Committee Amendment "A" (H-725) was not GERMANE to the Bill.**

Representative EDER of Portland **PRESENTED House Amendment "H" (H-968) to Committee Amendment "A" (H-725)**, which was **READ** by the Clerk.

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. This amendment would provide that starting on October 1, 2003 and every October 1st thereafter, the Commissioner of Labor shall adjust the minimum hourly wage by any positive percentage change in the National Consumer Price Index for all urban wage earners and clerical workers in the previous year. What this would do would take whatever we pass here today, whatever the wage is after we pass it out of this body today, it would here forward attach that wage to the Consumer Price Index. This would provide stability all around. Stability for workers so that just like when you get a cost of living increase in your Social Security check you'll know that you'll have more money to meet the needs of the upcoming year. It will also have an element or predictability for employers in that they would know what the increase was going to be. Thank you Mr. Speaker.

Representative SMITH of Van Buren moved that **House Amendment "H" (H-968) to Committee Amendment "A" (H-725) be INDEFINITELY POSTPONED.**

Representative EDER of Portland **REQUESTED a roll call on the motion to INDEFINITELY POSTPONE House Amendment "H" (H-968) to Committee Amendment "A" (H-725).**

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 Berwick, Representative Burns.

Representative BURNS: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. In the context of this debate I just want to share some food for thought with you. There's a quote that I want to give to you that comes from the Honorable Republican President Abraham Lincoln. He said within his emancipation proclamation many things. One of which was, "That we should labor faithfully and for reasonable wages." Here we are today talking about a minimum wage and during this session we've spoken about a living wage, or a liveable wage or however you want to refer to it. It occurs to me that we need to ask the question and the question has been asked and answered in the context of the debate about a liveable wage, what is it? Also, as these words were spoken by Abraham Lincoln in the context of the abolition of slavery, it makes it that much more imperative that we ask, "What is meant by a reasonable wage?" Another honorable President of ours, Franklin Delano Roosevelt, proposed that we engage in a second bill of rights. An economic bill of rights. He quotes an old English judge who suggests that necessitous men are not free men. Liberty requires opportunity to make a living, a decent living according to the standard of the time. A living, which gives a man, not only enough to live by, but something to live for. I have engaged in discussion with small business and medium sized business people about the wages that they pay their employees and the high turnover related to the minimum wage. Some of us can agree that if you pay somebody a liveable wage versus a minimum wage, the decision that they might make to leave that employment is going to be a far greater and more difficult decision for them to make. FDR goes on to say that, and this is over 62 years ago, "It is our duty to establish an

American standard of living higher than ever before known. We cannot content ourselves, no matter how high that general standard of living may be, if some fraction of our people are ill fed, ill clothed, ill housed and insecure." I recently read in the *Capital Weekly* an article by a gentleman whose wages are probably in the high hundreds of dollars per hour. He was a lawyer, I might add, and I have nothing disparaging to about lawyers. Here's a man earning hundreds if not thousands of dollars per hour talking about the fact that we don't need a minimum wage increase. How does somebody living in that income bracket speak for those among us who work hard for minimum wage? What are we asking for? At the end of the day, we're talking about quarters. At the end of an eight-hour workday, we are talking about a half gallon of milk and here we are believing that this burden is too much for business community to bear. I think that that's not so. FDR goes on to say, "In our day," over 60 some-odd years ago, "these economic truths have become accepted as self-evident. We have accepted, so to speak, a second bill of rights under which a new basis of security and prosperity can be established." These rights are simple. I think we all agree with them. The right to a respectable wage in the industries and shops or farms or mines of our nation. The right to earn enough to provide adequate food and clothing and recreation. The right of every farmer to raise and sell his produce at a return which will give him and his family a decent living. The right of every business man, large or small, to trade in an atmosphere of freedom from unfair competition and domination by monopolies at home or abroad. Here we are living in an age where we've passed trade agreements, in our Capitol in D.C., permitting the undermining of the American economy. The undermining of the American political and social system. That's what we're talking about here today. We're talking about those among us who work hard. Mainers have a strong work ethic. We're talking about a half gallon of milk at the end of the day for these hard working folks. The success of the American corporation owes a debt to these people, to all people in the State of Maine and across the nation. Their success has little to do with someone's ability to pull themselves up by their bootstraps. It has everything to do with the people of this nation and their ability to have provided a business friendly environment in which they can flourish. What do we get in exchange for it? They've grown from successful corporations to multi-nation corporations with absolutely no loyalty to any of us, whether we're Democrats or Republicans. The impact that we pay for this is powerful. It has had an adverse affect on all small business in this state. It's time that we started thinking differently. It's time that we started thinking in terms of providing for the people of this state and not just the business community. Although, as a small business owner, two businesses, I have a powerful concern for the small business community in the State of Maine. Look locally. Right here, we've lost. We used to have Statler Tissue, Hathaway Shirt, Dexter Shoe, Healthtex, Scott Tissue, Carlton Woolen Mills, Maine Polyplastics and others. These were once the foundation of our economy. Today they're gone. They're gone as a result of the decisions that we've permitted to happen to our national economy. The pursuit of happiness has been replaced by uncertainty and the pursuit of subsistence. This isn't a partisan issue, it's an American issue. Partisan politics has been the obstacle to the attainment of this greater standard of living espoused by, not only FDR, but by Lincoln and others. Government, in a modern civilization, has certain inescapable obligations to its citizens, among which are the protection of the family and the home. The establishment of a democracy, of opportunity.

Representative **BOWLES**: Point of Order.

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

Representative **BOWLES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I believe the issue before us is indefinite postponement of House Amendment 968.

The **SPEAKER**: The Representative is correct. The motion before us is the indefinite postponement of this particular House Amendment. The matters of debate should be limited to why, or why not, this particular amendment ought to be adopted or ought to be defeated. The Representative may proceed.

Representative **BURNS**: Yes Mr. Speaker. I understand that. What this amendment is, is an effort to move the State of Maine towards a liveable wage. Towards a reasonable and a respectable wage. Therefore, I do believe that this is extremely germane because we're talking about a quarter per hour and the amendment speaks to a higher increase in the minimum wage. Again, it's inescapable, this obligation to its citizens, according to FDR, the protection of the family and the home, the establishment of a democracy of opportunity. What opportunity is inherent in a minimum wage? He further says that, "Aid to those overtaken by disaster." Look at us today, still can't get out of the Katrina mess. Denial is a luxury that one must be able to afford. Poverty is a reality seemingly inescapable by those victimized by it. When we talk about minimum wage, we're talking about a wage that at the end of a 40 hour week is still below the federal poverty level. Again, I ask you to think about this. Thank you very much.

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. These are words that need to be said. Some of you might feel uncomfortable and say, "Let's get on with this. We've got the votes." When we stand up and speak for the poor, we're supposed to shut up and we're supposed to take the crumbs and be happy and go home. I really would like to compliment Representative Eder for his amendments. I think these words are important because when I went home and talked about the amendment, my people said, "What is going on up there?" When we do a corporate tax break for Merrill Lynch, we don't have to jump through hoops. When we talk about minimum wage for the poor, and it's not the poor, it's working families who can't make it, who go to the gas station this morning and have to pay \$30 for their gas. Corporate greed. We have done a study on living wages. A family of four needs \$16 per hour and they still don't make it. That means two children, their rent, a car payment, not a new car. They can't go to the movies. To live in the State of Maine, or anywhere, they need at least, just to pay their minimum, their rent, \$16 per hour and we're supposed to be happy with crumbs of \$6.75 and we're trying to lower that. I can't sit here quietly. I want to thank Representative Eder. Representative Burns, your words need to be spoken. They need to be heard because what they tell me is, "Joanne, the words, if you say them often enough, people will get it." 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 hear a lot about the poor. I wonder why the good Representative from the other side of the aisle voted to attach Social Security at the state level a few years ago, if she's so worried about the poor.

Representative **TWOMEY**: Point of Order.

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

Representative **TWOMEY**: Mr. Speaker, the Representative's statements are out of order.

The **SPEAKER**: The Chair will simply remind members that before us, right now, is the indefinite postponement of House Amendment "H" with a filing number of H-968. A roll call has been ordered.

The Chair recognizes the Representative from Portland, Representative Eder.

Representative **EDER**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I just wanted to clarify because the question was put to me. This increase by the CPI would pertain only to positive increase every October 1st and hereafter, beginning in 2008 and hereafter. Should the CPI go down, it would freeze to the previous positive percentage.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "H" (H-968) to Committee Amendment "A" (H-725). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 477

YEA - Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Berube, Blanchard, Blanchette, Bowen, Bowles, Brannigan, Brown R, Browne W, Cain, Campbell, Carr, Churchill, Clark, Clough, Collins, Craven, Cressey, Crosby, Curley, Curtis, Daigle, Davis G, Driscoll, Duchesne, Dugay, Dunn, Duplessie, Duprey, Eberle, Edgecomb, Emery, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Goldman, Greeley, Grose, Hall, Hamper, Hanley B, Hanley S, Hogan, Jackson, Jacobsen, Jennings, Jodrey, Joy, Koffman, Lerman, Lewin, Marean, Marraché, Mazurek, McCormick, McKane, McLeod, Merrill, Miller, Millett, Mills, Moody, Moulton, Muse, Nass, Norton, Nutting, O'Brien, Paradis, Patrick, Percy, Pilon, Pineau, Pingree, Pinkham, Piotti, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Rosen, Sampson, Schatz, Seavey, Sherman, Smith N, Smith W, Sykes, Tardy, Thompson, Trahan, Tuttle, Valentino, Webster, Woodbury, Mr. Speaker.

NAY - Adams, Bierman, Bishop, Bliss, Brautigam, Bryant, Bryant-Deschenes, Burns, Canavan, Cebra, Crosthwaite, Cummings, Davis K, Dudley, Eder, Faircloth, Glynn, Harlow, Hutton, Lansley, Lindell, Makas, Marley, McFadden, McKenney, Plummer, Robinson, Saviello, Shields, Simpson, Twomey, Vaughan, Walcott, Wheeler.

ABSENT - Gerzofsky, Hotham, Kaelin, Lundeen, Moore G, Ott, Perry, Stedman, Thomas, Watson.

Yes, 107; No, 34; Absent, 10; Excused, 0.

107 having voted in the affirmative and 34 voted in the negative, with 10 being absent, and accordingly **House Amendment "H" (H-968) to Committee Amendment "A" (H-725) was INDEFINITELY POSTPONED.**

The **SPEAKER**: The Chair recognizes the Representative from Caribou, Representative Edgecomb.

Representative **EDGECOMB**: I rise for a Parliamentary Inquiry.

The **SPEAKER**: The Representative may proceed.

Representative **EDGECOMB**: Mr. Speaker, after we had a roll call vote on Representative Mills' motion, the motion to reconsider was allowed. Then amendment "I" was defeated, it was postponed indefinitely, amendment "H" was defeated by indefinite postponement. Since Representative Mills' motion is up for consideration, shouldn't we be taking another vote on Representative Mills' motion, and if so I request a roll call vote.

The **SPEAKER**: I'll try to explain it like this. What we did in backing the bill up to allow suspension of the rules for purposes of allowing an amendment, we receded. That opened the bill up, then, for amendments. If the body wishes to concur, now, with the actions of the other body, that would put you in the position of receding and concurring with \$7.00 per hour. If the body, however, wants to adhere to House Amendment "D", then an adhere motion would be in order, but first, you would have to defeat the motion to concur, which is a higher motion to get, then, to the motion to adhere.

Representative **MILLS** of Farmington **REQUESTED** a roll call on the motion to **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 Van Buren, Representative Smith.

Representative **SMITH**: Point of order.

The **SPEAKER**: The Representative may state his point of order.

Representative **SMITH**: Thank you Mr. Speaker. When this bill came back to us from the other body, it came back to us with the other body having stripped out Representative Mills' amendment. Therefore, we were voting on the original bill, which was recede and concur. I question why we need to revoke the same bill which has come back from the other body.

The **SPEAKER**: If we concur, at this state Representative Smith, we will then be in line with what the Senate action did. The Senate action stripped the House Amendment "D". The House, however, did not. The Chair recognizes the Representative from Van Buren, Representative Smith.

Representative **SMITH**: The initial motion, Mr. Speaker was to recede and concur with the action of the other body, which this body has already voted in. I question why we need to vote on it twice.

The **SPEAKER**: Representative Smith, because we reconsidered our actions whereby we did recede and concur in order for Representative Eder to offer an amendment, and also for an amendment which the Representative from Frankfort, Representative Lindell also offered as well. The Chair recognizes the Representative from Hampden, Representative Duprey.

Representative **DUPREY**: Thank you Mr. Speaker. Mr. Speaker I have a parliamentary inquiry.

The **SPEAKER**: The Representative may proceed.

Representative **DUPREY**: Mr. Speaker, in backing the bill up, did you indefinitely postpone House Amendment "D"?

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

Representative **DUPREY**: Mr. Speaker, would a motion to reconsider our actions whereby House Amendment "D" was indefinitely postponed be in order?

The **SPEAKER**: The posture we find ourselves in at this stage is, having indefinitely postponed that amendment; we have two ways to go. Your motion would not be properly before the body. The two motions that would be properly before the body are the motion to concur, which would then put us in a posture of being in conformity with the Senate, or the motion to adhere, which would then mean that we'd be back with our prior actions before we send it down to the Senate. The Chair recognizes the Representative from Hampden, Representative Duprey.

Representative **DUPREY**: Thank you Mr. Speaker. Mr. Speaker, one further question, and I appreciate your indulgence. How would we get to a motion to reconsider House Amendment "D"? What posture would we have to be in to be able to reconsider our actions?

The SPEAKER: You have to defeat the motion to concur. Once you've defeated the motion to concur, you can adhere, which would put in the posture of, in fact, being at \$6.75 per hour. Let me just explain. The motion to concur means you are going to be in conformity then with the Senate, meaning that you're going to be at \$7.00 per hour. If you want to vote against the motion to concur, meaning you don't want \$7.00 per hour, you want \$6.75, you're going to be voting red on the motion to concur. If you want \$7.00 per hour, you're going to be voting green. If the motion to concur fails, then the motion to adhere would be properly before us, somebody would have to make that motion. That would mean, if you voted green, you'd be voting for \$6.75. I hope that answers the question. The Chair recognizes the Representative from Van Buren, Representative Smith.

Representative SMITH: Mr. Speaker, is not a correct understanding that if the motion to concur is defeated, this bill will now be dead in non-concurrence?

The SPEAKER: The question is, if the House votes to concur, the matter will then move to the Senate. If it's defeated, I'm assuming there'll be a motion to adhere, and that motion would kill this bill. The Chair recognizes the Representative from Van Buren, Representative Smith.

Representative SMITH: Then, Mr. Speaker, if the motion to concur is defeated, then there will be no minimum wage increase at all. Is that correct?

The SPEAKER: If a motion to adhere prevails, then the answer would be in the affirmative. The Chair recognizes the Representative from Van Buren, Representative Smith.

Representative SMITH: I think we need to be very clear on this Mr. Speaker. What is before the body is the question of concurrence with the action of the other body, and a motion to concur takes priority over a motion to adhere. Now, if the House defeats the motion to concur, that kills the entire bill. That's my understanding of it.

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. My assessment of this is that if we don't concur with the action of the other body, we are essentially laying the groundwork for this entire minimum wage bill. If you're concerned about being able to bring to the people a minimum wage increase, please support the motion to concur. 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. I'm not going to belabor this point except that, we're all playing fast and loose here with referring to the actions of the other body. I think the motion before us, right now, should be restricted to what we feel is the best policy here, in this body, and leave matters elsewhere where they belong. There was a previous amendment that received widespread support because people felt that was the right course of action. To get there, we must defeat this concur motion and I encourage us to, therefore, vote red on this vote. Thank you.

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

Representative FAIRCLOTH: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I think we should address the merits of this issue and that's why I strongly support the concurrence motion. There are some who have argued that the minimum wage increase should be very slow and very low. The implication of that argument is that that is better economic

policy. Better macro-economic policy and better micro-economic policy. I haven't really heard the support economic evidence on that point. I think we need to support a solid increase in the minimum wage because it's good economics and good for business. The Economic Policy Institute did an analysis of minimum wage increases in states that went above the federal minimum wage. They found very clear results in four ways. In those states that increased above the minimum wage, at the federal level, the number of businesses established were more and better. The number of jobs created, more. The annual payroll, more. The annual payroll per worker, more. Whatever the perception might be, the economic reality was that those states that increased their minimum wage above the federal level did better. Better for small business. Also, five additional ways they were better, at a micro-economic level, was higher productivity, lower recruiting costs, lower training costs, decreased absenteeism and increased worker morale. So if you are pro-business, you see macro-economic and micro-economic reasons why this is a good idea. I've left for the end, the one big reason, both macro-economic and micro-economic, is most important. It increases the quality of life for all people, not just for those receiving that minimum wage increase, but for others above them. In 1968, the minimum wage, if we inflated to current dollars, would be \$9.09 adjusted for inflation. We heard a lot of talk recently and saw a lot of flyers recently about the Reverend Dr. Martin Luther King, but I often note that we are supposed to keep Dr. King on his pedestal without actually to what he really said. We're not supposed to listen to Dr. King regarding economics, for example, because, well, that might sometimes make us feel uncomfortable. If we keep it safe, back in the Rosa Parks discussion, everybody can feel ok. What Dr. King was saying back in 1968, and I quote him, is that, "We know of no more crucial civil rights issue than the need to increase the minimum wage and extend its coverage, a living wage should be the right of all working Americans." As it turns out, not only was he a great speaker, he was right on the economics because when the economists study it, it turns out that it's actually better for the people in those states, and better for the businesses in those states. You hear the old argument, the tired argument, go very slow and very low with minimum wage increases, but the economic development argument, the pro-business argument is for increasing this minimum wage and increasing it solidly and doing so right now. I thank the men and women of the House.

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. I want to concur with the good comments of the Representative from Arundel, Representative Daigle who said, "We ought to judge something on its merits." As the Representative from Bangor, Representative Faircloth has pointed out for us, there are strong, good, policy arguments for why this makes sense. It seems to me that this body ought to look at those people who are trying to get ahead and are working hard, and give them the break that they need. I do not think we should put this decision in an ambiguous posture with the other body. We should vote on this motion as a statement for what good policy is because people are asking, "Can I buy that extra gallon of milk, that extra loaf of bread, when I'm working hard to make it happen." That's what they're asking. I ask you not to get caught up in a set of procedural motion that could defeat minimum wage at a time when Maine people are asking us for at least some bit of help in the work that they're putting forward for Maine employers.

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

Representative **MILLS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I certainly, for one, do not suggest that the federal minimum wage is an adequate wage, or a liveable wage, or anything close to it. I do not applaud the federal government for not having addressed this issue in many, many years. To suggest that those states who have the minimum wages the same as the federal minimum wage have poor economies is simply erroneous. Among the 43 states that follow the federal minimum wage level on their statutes are Maryland, Michigan, New Jersey, Virginia, Pennsylvania and North Carolina. I would love to have their economic level in this state, their economy in this state. I would love to have the numbers of jobs, and the good paying jobs that any one of those states has, for the State of Maine. I would suggest to you, the motion to concur says we agree with the other body. We agree with a \$7.00 minimum wage, that we agree with annual increases for another two years after we have had, and imposed, annual increases for five years straight. I would suggest that that level of minimum wage would put us at the top six states in the country when our economy does not necessarily support that kind of a boost. If this kind of an increase in the minimum wage is good for small businesses, why have the small businesses, the merchants, the retailers and other businesses been lobbying so hard against that increase. I suggest to you that a more moderate posture is available if we defeat the motion to concur. The so-called Mills' amendment will be revived, I hope. I would ask you to vote against this motion. It is not a procedural motion, it is quite substantive. Thank you.

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. This has been much debated, but let me just remind everybody what this bill seeks to do. It would raise the minimum wage to \$6.75 in October of this year and to \$7.00 in October of 2007. Who's it going to affect, it's going to affect the people on the bottom of our scale, of our economy. It affects the women. There are more women employed at minimum wage than men. It affects the elderly who are looking for jobs to supplement their income. It affects the people who are holding several jobs trying to make a go of it. These are the people affected. Raising the minimum wage has not caused the pulp and paper industry to shut its doors or anything of that nature. I know from the small businesses in my area, none of them have complained about it. Most of them pay more than that anyway. What we're trying to do is put a baseline in our economy for the people of our state. Raising it can only help improve their conditions and can only create more money to go back into the merchant sector so they can sell their goods. I ask you to support this, it's the right thing to do for the people of Maine. Thank you.

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

Representative **JACOBSEN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The way to raise wages is to increase the demand for workers, not force something upon employers. What we need to do is create jobs and create the demand for workers. That will automatically increase the wages. The State of New Hampshire, the minimum wage is \$5.15 per hour; average income is almost \$9,000 more than the State of Maine. Job opportunities in New Hampshire, I believe they have them. That is what raises the value of a man's labor; have people bidding on getting them to go to work.

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

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

The SPEAKER: The Representative may pose his question.

Representative **RICHARDSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I listened to people who are willing to take money from somebody and give it somebody else and I will happily vote for this if you can tell me, logically, how they are going to get the money to increase the wages. Just give me the scenario of how they're going to raise the necessary money to pay the higher wages on the minimum wage side.

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

Representative **FAIRCLOTH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I actually didn't rise to answer that question, but I will. The Economic Policy Institute referred to it in their studies, increased worker productivity, decreased absenteeism among their workforce and increase work satisfaction. In the studies of those states which, and I notice that the good Representative from Farmington, Representative Mills mentioned some of the states, but some of those states that also raised their minimum wage included those that were economically challenged in the Northwest, in the upper Midwest and in the South that also raised their minimum wage. This study specifically studied, not just those states that were doing very well economically, but also those states that were doing less well economically. What they found is the facts. The number of established businesses, a 3.1% increase in those states that increased above the federal level compared to only 1.6% for those states that did not. Annual payroll and annual payroll per worker, again, a higher increase for those states where they increased above the federal level. The economic facts that have come in say, "More business, higher wages per capita, and including, in states that did less well economically." I return to my point that it turns out Dr. King was backed up by the economists by supporting a strong increase in the minimum wage. Thank you.

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. I know the hour is late and I know we want to vote. I would like to answer the question from the Representative from Skowhegan from a guy who signs the front of a paycheck. There are two things that are going to happen, at least at my business, and many businesses, and I don't pay minimum wage, but of course everybody's going to get bumped up and I know that's what the intent of the bill is. There are two people that are going to get punished, the consumer and the employee. Because, number one, the consumer's going to be hit with a rate increase. The same people we're helping with a minimum wage increase are the same people that we're going to toss around and raise our prices to. We're going to take a little bit of that hard earned minimum wage increase, and take a little back, to pay that out. The second place is the employee. I will bet there are a lot of people out there that would rather make \$5.15 per hour and have their health insurance paid for than \$7.00 per hour and not get health insurance. That's one of the first things that goes, is these nice benefits that are slowly disappearing because we're raising the rates. We're giving them that raise, but we're taking away the benefits on the other side. So, are we really helping people, or are we hurting people. Actually, at the end of the day I guarantee, no I'm not going to guarantee because that's too finite, I bet most of these people have less money in their pocket at the end of the day if we pass

this increase because we are going to have to pay more at the pump, we're going to have to pay more at the store, we'll have to pay more for child care, we're going to get less benefits when it comes to retirement plans and lessen their health insurance plan. Did we really do them a service?

The SPEAKER: The Chair recognizes the Representative from Manchester, Representative Moody.

Representative **MOODY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I appreciate the comments from my colleague from Bangor, Representative Faircloth, with whom I have stood many, many times on contentious issues. I understand him to have said that studies have shown that those who have higher minimum wage than the federal government, their economies are booming. Unless I've missed the mark, I believe that the State of Maine has had higher minimum wage than the federal minimum wage for sometime. I would encourage all those that believe that the economy of the State of Maine is booming to vote in favor of concurrence and all those who think otherwise to vote against it. Thank you.

The SPEAKER: The Chair recognizes the Representative from Allagash, Representative Jackson.

Representative **JACKSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. To the comments made by the good Representative from Hampden, Representative Duprey I think it has been 21 years now that I've been employed full time and nowhere did I ever receive health insurance. I never was offered that and the idea that raising the minimum wage is going to pull away these health insurances, I imagine that could be a possibility in some cases, but most of the places I know don't offer it to begin with and never had. So, I don't think that's going to be an issue. One thing that, while I'm sitting here I'm thinking about, is about two months ago we debated this bill and we had a long debate just like we are today, and I'm adding to that, but, I sat here in my chair and never said a word. Later on that night, I was rushed to Portland Hospital to get a pacemaker implanted. It's only because I'm in this chamber that I was really given the opportunity to have that. I'm not sure how it would have happened regardless, but because we get health insurance here, my problem was taken care of. I spoke in this chamber before about friends that didn't have that same privilege and never lived through experiences like I had a couple of months ago. That's some of the things that I think about. I don't have statistics like you've heard about and I'm not trying to pull any emotional bull on anyone, but I do remember when I was young. My mother was divorced and working, and evenings nervous about running out of oil. Whatever it was, but very concerned at a young age. Now I have kids of my own and I've laid down at night and wondered how things are going to go. I'm certainly not any worse off than anyone else now. I'm probably doing quite a lot better, but I've been there. I just think that when you rise up, when you climb that ladder of success, you shouldn't pull it up behind anyone. I'd ask you to support the concur motion.

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. I think it's our job, also, to put a face on the policies that we support and pass here. The face that comes to my mind is a fellow named Joe. Now, I'm going back, I don't know, 32 years maybe. I was making \$2.10 per hour driving truck for a soft drink company. After I had come in, after 11 hours, Joe came in and had cashing up to do. He had a harder job than I did. He worked with both returnables and non-returnables, back in those days if you recall that. My point is that I remember getting sick to my stomach when I realized that

he was making \$2.35 per hour, a quarter more than I was, after having worked 17 years for the company. Joe had four kids. It's the Joes of Maine that I'm thinking about when I look employers who are not going to raise their minimum unless they get some encouragement from us. I ask you to think of the Joes. I ask you to think of all those women who are going to be disproportionately affected by this legislation and vote green. Thank you.

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

Representative **JACOBSEN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We're talking about a 25 cent per hour raise. It doesn't sound like much. In my small business, 25 cents per hour equals approximately \$31,000 at the end of the year. \$31,000. That will be \$31,000 that's going to cost the consumer. How is that going to help the consumer.

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. The most relevant portion of the good Representative from Berwick, Representative Burns' testimony is when he was reciting the litany of businesses that have left the State of Maine. I think any one of us here could add on to that list by a half-a-dozen or more just from our own communities. I'm really intrigued by this proposition that the states that have higher minimum wages, or increase their minimum wage, somehow improve their economy, as has been put before us by the good Representative from Bangor, Representative Faircloth. Given the fact the Maine has raised its minimum wage each year for the last five years, the fact that our minimum wage is \$1.35 above the federal minimum wage currently, given the fact that the FDIC, just last week, said that Maine lost 600 jobs during the year 2005, a net loss of 600 jobs, one would wonder how it could possibly be true that raising our minimum wage yet again is going to improve our economy.

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. As I mentioned before, I think someone once said that the welfare of the people is the highest law. I believe that this change, in the law, fits that criteria. It is long overdue. The federal government has not raised the minimum wage since 1997. Currently, 15 states have a higher minimum wage than that's set by the federal wage and more are considering the increase. Most minimum wage jobs are in the retail, agricultural and service industries. Many of Maine jobs are in these sectors and the people employed in them deserve to have their paycheck keep up with inflation. There is a ripple effect when the minimum is raised. People earning the dollars, spend them, sending the money directly back into the community. Increasing the minimum wage puts money in the pockets of working families. It will help reduce reliance on welfare benefits and government assistance. More than half of the minimum wage earners are adult workers and many of them, as we've here today, are breadwinners in the family. Who are the low wage workers? According to the report, and the information I get nationally, 61.7% of people earning minimum wage are women. Children will benefit from a raise in minimum wage. 70% of the minimum wage earners are adults age 20 and older. Someone working fulltime at a minimum wage is earning about \$13,520, 30% below the poverty level. Business will benefit from a raise in minimum wage. The research that I've been given shows that the overwhelming claim that the minimum wage increases job loss or acts as a disincentive to do business in Maine, is not

accurate. An increase in the minimum wage will benefit business by increasing loyalty, retention and the caliber of work. Those people that will be spending it will go directly into helping those mom and pops that we're talking about today. Therefore, I would ask that you would support the present motion.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative Burns.

Representative **BURNS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Those lists of employers, that I mentioned earlier, that have left our state, they haven't left our state because of the wages that we pay or don't pay, they left our state because we can't compete with the kind of slave wages that we're exploiting in other parts of the globe. We can't compete with it. Freedom, to speak to the burden imposed on consumers by an increase in the minimum wage, freedom, we all know, isn't free. Personally, the pennies that it might cost me for the additional expense for the ice cream that I might get at the good Representative's store is well worth the stimulation in the economy that we would experience by paying a living wage to all those that are working hard for poverty wages. Consumers are not only consumers, they're wage earners. I ask you to keep that in mind when you vote on this motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Van Buren, Representative Smith. 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 **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will be very brief on this. Just a few points. Think about the minimum wage. If anybody is trying to equate paper mill closings with the minimum wage, I think you had better think twice about it. That has had no effect. I don't think anybody here who can point to any small employer who says, "I've got to go out of business because now I have to pay \$4.00 per week more to somebody who's working 40 hours per week for me." Think about our restaurant industry who says, "We can't find enough workers," and they are importing foreign workers every summer. That becomes a big issue. Think about our woods industry importing foreign workers too saying, "We can't find people to work here." Think about this myth that somehow if you're on a minimum wage you get all kinds of state benefits. I can assure you, there are many people working for minimum wage that do not get state benefits like MaineCare or anything like that. So, don't get lulled into thinking somehow our state taxpayers are providing all kinds of a benefits system for our low paid workers. It doesn't exist like that. Try and do something to give these people a chance to earn enough money so they won't be working two or three jobs just to make due. Thank you.

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

ROLL CALL NO. 478

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

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

ABSENT - Hotham, Kaelin, Lundeen, Moore G, Ott, Perry, Stedman, Thomas.

Yes, 72; No, 71; Absent, 8; Excused, 0.

72 having voted in the affirmative and 71 voted in the negative, with 8 being absent, and accordingly the House voted to **CONCUR. ORDERED SENT FORTHWITH.**

The following item was taken up out of order by unanimous consent:

**REPORTS OF COMMITTEE
Ought to Pass Pursuant to Joint Order**

Representative **PINGREE** for the **Joint Standing Committee on Health and Human Services** on Bill "An Act To Address Potential Shortages of Influenza Immunizing Agents in Maine" (EMERGENCY)

(H.P. 1496) (L.D. 2106)

Reporting **Ought to Pass** pursuant to Joint Order 2006, H.P. 1488.

Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE** and assigned for **SECOND READING** later in today's session.

The House recessed until 4:00 p.m.

(After Recess)

The House was called to order by the Speaker.

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

HOUSE REPORT - Ought to Pass as Amended by Committee Amendment "A" (H-974) - Committee on TAXATION on Bill " An Act To Make Minor Substantive Changes to the Tax Laws "

(H.P. 1218) (L.D. 1711)

Which was **TABLED** by Representative **CUMMINGS** of Portland pending **ACCEPTANCE** of the Committee Report.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-974)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, April 11, 2006.

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 Friday, April 7, 2006,

had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

SENATE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (S-525)** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Protect Victims of Domestic Violence"

(S.P. 739) (L.D. 1938)

- In Senate, Unanimous **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-525)**.

TABLED - April 3, 2006 (Till Later Today) by Representative TARDY of Newport.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-525)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, April 11, 2006.

SENATE PAPERS

The following Joint Resolution: (S.P. 846)

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO ADOPT CERTAIN CHANGES TO THE MEDICARE PART D PROGRAM

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

WHEREAS, beginning on January 1, 2006, prescription drug coverage was to be provided through the Medicare Part D program to eligible residents of the State of Maine, and these Medicare beneficiaries must now navigate a new and extremely complex system for purchasing coverage and receiving prescription drug benefits; and

WHEREAS, thousands of these Maine residents who are Medicare beneficiaries are eligible for both Medicare and Medicaid and are known as "dual eligible." These residents are sicker and poorer than other Medicare beneficiaries. Nationally, more than 60% of dual eligibles live below the poverty level; and

WHEREAS, more than half of all dual eligibles require assistance with activities of daily living and have higher rates of a range of chronic conditions than other Medicare beneficiaries, including Alzheimer's disease, diabetes, pulmonary disease and stroke; and

WHEREAS, the enrollment process for dual eligibles in Maine and the Nation has failed to adequately protect the health and safety of these most vulnerable of our citizens. There are significant and widespread data management and other implementation problems, resulting in dual eligibles being charged excessive copayments, being denied necessary medications, being refused enrollment and subsidies and not being informed of appeal procedures and other rights; and

WHEREAS, the State of Maine has incurred costs of almost \$6,000,000 to ensure that its neediest citizens who previously received their medications through Medicaid or our own prescription drug program receive needed medications through Medicare Part D, including paying the costs of reimbursing pharmacies improperly denied payment by prescription drug plans, reenrolling beneficiaries in plans with formularies that cover a greater percentage of their needed medication, providing counseling and education about the confusing array of plans and formularies and staffing telephone hotlines; and

WHEREAS, the federal Medicare Part D program has failed to operate as intended, and the Federal Government has given no assurance to the State of Maine that these unanticipated costs to protect the health and safety of our citizens will be fully and quickly reimbursed; and

WHEREAS, the State of Maine has also been charged \$19,100,000 associated with the phased-down state contribution, or the "clawback" provision of Medicare, which requires states to reimburse the Federal Government for the costs of dual eligibles based on a formula that is inaccurate and overcharges the State by millions; and

WHEREAS, individuals eligible for Medicare who enroll in Part D after May 15, 2006 will be assessed a 1% penalty for each month between the date they were eligible and the date they enrolled, and this penalty is cumulative, less predictable and more severe than the enrollment penalty for other parts of Medicare; and

WHEREAS, each prescription drug plan has a different formulary, different copayments and varied cost sharing that Medicare beneficiaries must understand in order to determine which plan has a formulary that not only includes most or all of their drug needs but is also the best value; and

WHEREAS, each plan is allowed to modify its formulary on a monthly basis, including dropping coverage of medications, while most Medicare beneficiaries may only change plans once a year during an open enrollment period; and

WHEREAS, a beneficiary who needs a drug not covered by the formulary must change to another drug or pay out of pocket for the drug, and drugs not listed on the formulary that are purchased out of pocket or paid for by using a state discount do not count towards the beneficiary's cost sharing under the Part D plan; and

WHEREAS, prescription drug plans are not required to disclose complete information about the actual price of drugs on their formularies, nor the cost of these drugs as negotiated by the plan with drug manufacturers, resulting in the opportunity for plans to inflate prices charged to Medicare beneficiaries who will

WHEREAS, Medicare law explicitly prohibits negotiation over the price paid by the Federal Government for these prescription drugs, and yet these same medications currently provided to all dual eligibles under Medicaid are subject to price negotiation by the Federal Government, and so the cost of these Medicare medications, which will be reimbursed by the states to the Federal Government, is likely to increase without price negotiations; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the administration of President George W. Bush and the Congress of the United States address these concerns immediately and as necessary through changes to the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 and the allocation of additional funding; and be it further

RESOLVED: That We, your Memorialists, respectfully urge and request that the President and Congress specifically adopt the following changes to the Medicare Part D program:

1. Eliminate the unfair penalty for all eligible Medicare individuals who do not enroll by May 15, 2006;
2. Permit the prescription drug plans to drop coverage of drugs on their formularies only after advance notice once a year to coincide with the annual open enrollment period, except for those drugs determined to be dangerous or that have been removed from the market;

3. Standardize the formulary design so that each plan has the same number of tiers
and requirements for coverage;
4. Modify the requirements for what can be counted towards the Medicare beneficiary's true out of pocket cost to include all prescription drugs purchased on behalf of the beneficiary regardless of where the drugs are purchased, or whether the drugs are purchased through a state pharmacy program or with a discount card, and regardless of whether the drugs are on the formulary of the beneficiary's plan;
5. Ensure transparency, so that states know the cost negotiated by the prescription drug plan to make certain that all negotiated rebates are passed through to the beneficiaries;
6. Institute price negotiation for the purchase of prescription drugs for the Medicare program, similar to provisions already in place under Medicaid and the Department of Veterans Affairs;
7. Provide timely and sufficient funding and reimbursement to the State of Maine to ensure that the State is made whole for costs incurred in ensuring its citizens who are eligible for or required to participate in Medicare Part D are not denied needed medications or otherwise harmed by the faulty implementation and design of this program; and
8. Provide that the "clawback" provision is based on actual experience and costs;
and be it further

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

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

READ.

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. First of all, it was cruel and unusual punishment that Millie had to read that entire thing, but I do appreciate it. I just wanted to very briefly speak on this, mostly to thank the Appropriations Committee for the bi-partisan work that they did during the last budget to try to make sure that Maine has a safety net for some of the most vulnerable seniors who we are concerned about in the transition to Medicare Part D. This resolution talks a lot about the concerns we as a state have, some of the financial burdens the state has. I think we all know that Medicare Part D means drug coverage for many seniors who currently don't have drug coverage. Mostly middle-income seniors now have a program where they didn't before. For many seniors who are on our Medicaid program, or in our DEL program, we have seen a lot of challenges. We just were in a briefing with the Appropriations Committee, earlier this afternoon, talking about some of the challenges the state continues to see. I'm just reminded of the good Representative from Waterford. We were debating some of the Medicare Part D wraparound

benefits in the budget. We were having a discussion about them. He asked one question about the future of the claw back payments. He put his head in his hands with the understanding of what this does mean for the State of Maine in our fiscal house in the coming years. I just wanted to point out that this resolution is asking the Congress to go back and to consider changes. I know that our delegation, on both sides of the aisle, favors many of the changes in this resolution. This would be helpful for our state if even a handful of these changes were made. I also wanted to be sure that it was understood that Medicare D has meant some good for some people, but it still has its challenges. Thank you Mr. Speaker.

Representative **DAIGLE** of Arundel **REQUESTED** a roll call on **ADOPTION** of the Joint Resolution.

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. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 479

YEA - Adams, Ash, Babbidge, Beaudette, Blanchard, Blanchette, Bliss, Brannigan, Brautigam, Brown R, Bryant, Burns, Cain, Campbell, Canavan, Carr, Clark, Clough, Craven, Crosby, Cummings, Curley, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Fischer, Fisher, Flood, Gerzofsky, Glynn, Goldman, Grose, Hanley S, Harlow, Hogan, Hutton, Jackson, Jennings, Koffman, Lerman, Makas, Marley, Mazurek, McKane, Merrill, Miller, Mills, Moody, Muse, Nass, Norton, O'Brien, Paradis, Patrick, Percy, Pilon, Pineau, Pingree, Pinkham, Piotti, Rector, Richardson D, Rines, Rosen, Sherman, Simpson, Smith N, Thompson, Trahan, Tuttle, Twomey, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Berube, Bierman, Bishop, Bowen, Bowles, Browne W, Bryant-Deschenes, Cebra, Churchill, Collins, Cressey, Crosthwaite, Curtis, Daigle, Duprey, Edgecomb, Emery, Fitts, Fletcher, Greeley, Hall, Hamper, Hanley B, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Marean, McCormick, McFadden, McKenney, McLeod, Millett, Moulton, Nutting, Plummer, Richardson E, Richardson M, Richardson W, Robinson, Seavey, Shields, Sykes, Tardy, Vaughan.

ABSENT - Barstow, Hotham, Lundeen, Marraché, Moore G, Ott, Perry, Sampson, Saviello, Schatz, Smith W, Stedman, Thomas.

Yes, 88; No, 50; Absent, 13; Excused, 0.

88 having voted in the affirmative and 50 voted in the negative, with 13 being absent, and accordingly the Joint Resolution was **ADOPTED** in concurrence.

CONSENT CALENDAR

Second Day

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

(S.P. 381) (L.D. 1064) Bill "An Act To Clarify the Laws Governing Agricultural Composting Operations" (C. "B" S-563)

(S.P. 735) (L.D. 1934) Resolve, To Improve Retention, Quality and Benefits for Direct Care Health Workers (C. "A" S-568)

(S.P. 760) (L.D. 1973) Resolve, To Improve Quality and Access to Mental Health Care Through the Development of a Joint Strategic Plan (C. "A" S-569)

(H.P. 1241) (L.D. 1733) Resolve, Authorizing the Commissioner of Administrative and Financial Services To Enter into Long-term Ground Leases of Real Property and To Convey

the Stone Buildings, the Administrative Building and the Center Building Formerly Occupied by the Augusta Mental Health Institute (C. "A" H-973)

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 Paper was **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

BILLS IN THE SECOND READING

Senate

Bill "An Act Relating to Secondary School Construction Projects"

(S.P. 844) (L.D. 2104)

House

Bill "An Act To Implement the Recommendations of the Joint Standing Committee on Education and Cultural Affairs Regarding the Telecommunications Relay Services Advisory Council Pursuant to Reviews Conducted under the State Government Evaluation Act"

(H.P. 1495) (L.D. 2105)

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

SENATE PAPERS

Non-Concurrent Matter

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

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

House **ADHERED** to its former action whereby Report "A" (6) **OUGHT TO PASS AS AMENDED** of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-860)** in the House on April 7, 2006.

Came from the Senate with that Body having **INSISTED** on its former action whereby Report "C" (2) **OUGHT TO PASS AS AMENDED** of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-862)** and **ASKED** for a Committee of Conference in **NON-CONCURRENCE**.

The House voted to **INSIST** and **JOIN** in a **COMMITTEE OF CONFERENCE**.

CONSENT CALENDAR

First Day

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

(H.P. 1369) (L.D. 1955) Bill "An Act To Provide Emergency Regional Economic Development Assistance for Brunswick Naval Air Station" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-980)**

(H.P. 1371) (L.D. 1957) Bill "An Act To Establish the Midcoast Regional Redevelopment Authority" (EMERGENCY) Committee on **BUSINESS, RESEARCH AND ECONOMIC**

DEVELOPMENT reporting **Ought to Pass as Amended by Committee Amendment "A" (H-981)**

(H.P. 1398) (L.D. 1996) Bill "An Act To Prevent Unauthorized Practice of Immigration and Nationality Law" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-977)**

(H.P. 1469) (L.D. 2076) Bill "An Act Relating to Payday Loans" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-982)**

(H.P. 1484) (L.D. 2092) Bill "An Act To Allow a Second Opportunity To Elect Coverage under the State Group Health Plan" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-986)**

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

BILLS IN THE SECOND READING

House

Bill "An Act To Address Potential Shortages of Influenza Immunizing Agents in Maine" (EMERGENCY)

(H.P. 1496) (L.D. 2106)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the House Paper was **PASSED TO BE ENGROSSED** and sent for concurrence.

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Friday, April 7, 2006, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Bill "An Act To Offer Financial Institutions an Option for Payment of the Maine Franchise Tax"

(S.P. 678) (L.D. 1761)

(C. "A" S-453)

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

PENDING - PASSAGE TO BE ENGROSSED.

On motion of Representative **WOODBURY** of Yarmouth, 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" (S-453)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-953)** to **Committee Amendment "A" (S-453)** which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Yarmouth, Representative **Woodbury**.

Representative **WOODBURY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. One of the concerns raised in the debate on this bill was that it could possibly be applied retroactively. That was never the intent of those who brought the bill forward. What this amendment does is clarify that the change in the tax would apply to the 2006 tax year. Thank you Mr. Speaker.

Subsequently, **House Amendment "A" (H-953)** to **Committee Amendment "A" (S-453)** and **ADOPTED**.

Committee Amendment "A" (S-453) as **Amended by House Amendment "A" (H-953)** thereto was **ADOPTED**.

Representative HUTTON of Bowdoinham **PRESENTED House Amendment "A" (H-960)**, which was **READ** by the Clerk.

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

Representative HUTTON: Thank you Mr. Speaker. Mr. Speaker, Women and Men of the House. Since this bill is passed, I just wanted to try and remind us of what we were promised in the presentation of LD 1761. We were told that we would attract the Fidelitys and the Merrill Lynchs of the world to Maine and that their back-room operations would bring good paying jobs. We were told that Rhode Island had done this and that we were missing the boat if we didn't jump on board and try and do the same thing the Rhone Island had done. The question that we didn't ask in committee or anywhere through caucuses is, "What is a good paying job?" Is it \$10 per hour? That's liveable wage, or around there. Is it \$12 per hour, or is it more? I did a little research and found out that Rhode Island, indeed, does put qualifiers on their tax breaks that they give to businesses. On this particular one I just wanted to read you one of the qualifiers that they put on. "That the annual salary of each employee counted in subdivision B-1 shall be no less than \$25,000 per year plus benefits typical to the industry." What this amendment does, it allows the financial institutions to take the tax break in the second year only if the jobs of that institution are 50% above liveable wage. It requires that the Department of Labor determine the method of assessment by rule and convey that information yearly, for those particular institution that want to take this tax break, to the revenue services. Now, to Y. It's really a matter of balance. We're shifting the tax burden. We're giving a tax break to businesses and we assume that we're going to get good jobs, in return, that will provide more income tax and pay more taxes to the State of Maine. Clearly Rhode Island understood that promises can be broken unless there's a penalty at the end. We do this for our property tax payers. If our constituents fail to keep their land in tree growth, farmland or now, hopefully, working waterfront, they would pay a penalty at the end. To me this seems just fair, really, in the process, that we ask that they do give something to the men and women who are going to be employed in these jobs so that they in turn can give something back to the State of Maine. While Rhode Island has asked for \$25,000 plus benefits, if a liveable wage, for example was \$10 in the State of Maine, it would be 50% more, which would be \$15 which is about \$30,000. So about \$5,000 more for State of Maine, but they don't have to provide benefits. Hopefully people can buy into a healthcare plan that's provided. I urge you to support this amendment and be a little bit responsible and make the businesses a little bit responsible for the promises that they've made.

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

Representative CLOUGH: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We talked about this bill a few days ago and we learned that this was a revenue neutral arrangement that would, according to Maine Revenue Service; it was designed to be that way. It would allow a financial institution that wanted to locate in Maine and grow in Maine, to come here and have a tax that was more suited to their type of business. I don't believe that it's necessary or that it should be recommended that we tie, one type of business in the State, their hands, as far as wages are to be concerned, by dictating, to them, what their level of wages must be in addition to what might be the norm in that industry for businesses in the State already. I would ask you to vote against this pending amendment. Thank you.

Representative HUTTON of Bowdoinham **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-960)**.

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 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: Could I please be told, by some knowledgeable member of the body, what, in dollar figures, the current stats are for a liveable wage in the State of Maine?

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

Representative HUTTON: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I should probably defer to Representative Lerman, but we have not decided these. This is in a bill that has come before us at one point for the Department of Labor to take on, to determine what the liveable wage is. There are a variety of things that they need to take into account. They are going to come up with, I would assume, an average across the State, but we won't know that. While I'm up, Mr. Speaker, may I proceed?

The **SPEAKER**: The Representative my proceed.

Representative HUTTON: Thank you Mr. Speaker. I just wanted to say, in all fairness, that the businesses who are taking advantage of this have one of the lowest tax rates in the country in this state. They pay one percent. This gives them a further reduction. I think that in the scheme of things we're not asking for a lot and clearly other states have considered making sure that they put some qualifiers on and ask for something in return. I'm not trying to tie anybody's hands. They don't have to take this tax break. They can take the tax break that already exists that, again, is one of the lowest in the country.

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

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

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

Representative SHIELDS: If I understand this amendment correctly, it requires that the institution pay the employees no less than 50% greater than the liveable wage. I also understand that we don't know what the liveable wage is at time. Is that correct? Would somebody please give me that information?

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. In answer to your question, Representative, the liveable wage commission, the Study Commission on Liveable Wages, has made a recommendation in terms of how to calculate the liveable wage. At this time the bill has not been taken up by this body. I expect that it will be taken up later on this week. It is an effort to really define what constitutes a liveable wage. It's an issue, or a term, that comes up periodically in the discussions that we have here and at our various committee levels. We're hoping that we can nail a definition so that it is something concrete and calculable on a annual basis. For what it's worth, the recommendations of the commission is to embrace a particular methodology and at this point the range of a liveable wage in Maine, based on household size, ranges from \$9.23 per hour to \$14.84 per hour, depending upon how large the household is, how many children there are and how many wage earners there are. Thank you Mr. Speaker.

Under suspension of the rules, members were allowed to remove their jackets.

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

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

Representative **SHIELDS**: If I understand it correctly, the current liveable wage is somewhere between \$9 and \$14 per hour. This bill requires that all employees have to be paid at least 50% greater than that, which is probably in the range of \$14 to \$21 per hour. Is that correct? Am I on target?

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-960). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 480

YEA - Adams, Ash, Blanchard, Blanchette, Brautigam, Bryant, Burns, Cain, Canavan, Craven, Cummings, Dudley, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Gerzofsky, Grose, Harlow, Hogan, Hutton, Jackson, Jennings, Koffman, Lerman, Makas, Marley, Mazurek, Miller, Norton, O'Brien, Patrick, Percy, Pineau, Pingree, Piotti, Rines, Simpson, Smith W, Thompson, Twomey, Valentino, Walcott, Watson, Webster, Wheeler.

NAY - Annis, Austin, Babbidge, Beaudette, Berube, Bierman, Bishop, Bliss, Bowen, Bowles, Brannigan, Brown R, Browne W, Bryant-Deschenes, Campbell, Carr, Churchill, Clark, Clough, Collins, Cressey, Crosby, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dugay, Duprey, Edgecomb, Fischer, Fisher, Fitts, Fletcher, Flood, Glynn, Goldman, Greeley, Hall, Hamper, Hanley B, Hanley S, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Marean, Marraché, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Millett, Mills, Moody, Moulton, Muse, Nass, Nutting, Paradis, Pilon, Pinkham, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Seavey, Sherman, Shields, Smith N, Sykes, Tardy, Trahan, Tuttle, Vaughan, Woodbury, Mr. Speaker.

ABSENT - Barstow, Cebra, Emery, Hotham, Lundeen, Moore G, Ott, Perry, Sampson, Saviello, Schatz, Stedman, Thomas.

Yes, 49; No, 89; Absent, 13; Excused, 0.

49 having voted in the affirmative and 89 voted in the negative, with 13 being absent, and accordingly **House Amendment "A" (H-960) FAILED ADOPTION.**

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-453) as Amended by House Amendment "A" (H-953) thereto in NON-CONCURRENCE** and sent for concurrence.

Bill "An Act To Clarify the Taxable Status of Lobster Traps" (S.P. 656) (L.D. 1739)

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-552).**

TABLED - April 7, 2006 (Till Later Today) by Representative CLARK of Millinocket.

PENDING - ADOPTION OF COMMITTEE AMENDMENT "A" (S-552).

Representative **WOODBURY** of Yarmouth **REQUESTED** a roll call on the motion to **ADOPT Committee Amendment "A" (S-552).**

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 Committee Amendment "A" (S-552). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 481

YEA - Adams, Annis, Austin, Beaudette, Berube, Bierman, Bishop, Blanchard, Bowen, Bowles, Brown R, Browne W, Bryant-Deschenes, Burns, Campbell, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosby, Crosthwaite, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Dugay, Duprey, Eberle, Edgecomb, Emery, Farrington, Fischer, Fitts, Fletcher, Flood, Glynn, Greeley, Grose, Hall, Hamper, Hanley B, Hanley S, Hogan, Jackson, Jacobsen, Jodrey, Joy, Kaelin, Lansley, Lewin, Lindell, Marean, Marley, Mazurek, McFadden, McKane, McKenney, McLeod, Merrill, Miller, Millett, Moulton, Muse, Nass, Paradis, Percy, Pilon, Pingree, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Robinson, Rosen, Seavey, Sherman, Shields, Smith W, Sykes, Tardy, Trahan, Tuttle, Valentino, Vaughan, Webster, Wheeler.

NAY - Ash, Babbidge, Blanchette, Bliss, Brannigan, Brautigam, Bryant, Cain, Canavan, Clark, Craven, Cummings, Duchesne, Dudley, Dunn, Duplessie, Eder, Faircloth, Finch, Fisher, Gerzofsky, Goldman, Harlow, Hutton, Jennings, Koffman, Lerman, Makas, Marraché, McCormick, Mills, Moody, Norton, Nutting, O'Brien, Patrick, Pineau, Simpson, Smith N, Thompson, Twomey, Walcott, Watson, Woodbury, Mr. Speaker.

ABSENT - Barstow, Hotham, Lundeen, Moore G, Ott, Perry, Sampson, Saviello, Schatz, Stedman, Thomas.

Yes, 95; No, 45; Absent, 11; Excused, 0.

95 having voted in the affirmative and 45 voted in the negative, with 11 being absent, and accordingly **Committee Amendment "A" (S-552) was ADOPTED.**

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-552)** in concurrence.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-983)** on Resolve, Regarding Legislative Review of Portions of Chapter 10: Significant Wildlife Habitat, a Major Substantive Rule of the Department of Inland Fisheries and Wildlife (EMERGENCY)

(H.P. 1481) (L.D. 2090)

Signed:

Senators:

COWGER of Kennebec

MARTIN of Aroostook

Representatives:

WHEELER of Kittery

DAIGLE of Arundel

DUCHESNE of Hudson

ANNIS of Dover-Foxcroft

EBERLE of South Portland
KOFFMAN of Bar Harbor
TWOMEY of Biddeford
ROSEN of Bucksport
THOMPSON of China

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-984)** on same Resolve.

Signed:

Senator:

SNOWE-MELLO of Androscoggin

Representative:

JOY of Crystal

READ.

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

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-983)** was **READ** by the Clerk and **ADOPTED**.

On motion of Representative BOWLES of Sanford the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-983)** was **ADOPTED**

The same Representative **REQUESTED** a roll call on the motion to **ADOPT Committee Amendment "A" (H-983)**.

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 Committee Amendment "A" (H-983). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 482

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, Cressey, Crosby, Crosthwaite, Cummings, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duplessie, Duprey, Eberle, Eder, Edgecomb, Emery, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Glynn, Goldman, Greeley, Grose, Hall, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Koffman, Lansley, Lerman, Lewin, Lindell, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Miller, Millett, Mills, Moody, Moulton, Muse, Nass, Norton, Nutting, O'Brien, Paradis, Patrick, Percy, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Robinson, Rosen, Seavey, Sherman, Shields, Simpson, Smith N, Smith W, Sykes, Tardy, Thompson, Trahan, Tuttle, Twomey, Valentino, Vaughan, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - NONE.

ABSENT - Barstow, Hotham, Lundeen, Moore G, Ott, Perry, Sampson, Saviello, Schatz, Stedman, Thomas.

Yes, 140; No, 0; Absent, 11; Excused, 0.

140 having voted in the affirmative and 0 voted in the negative, with 11 being absent, and accordingly **Committee Amendment "A" (H-983)** was **ADOPTED**.

The Resolve was assigned for **SECOND READING** later in today's session.

BILLS IN THE SECOND READING
House as Amended

Resolve, Regarding Legislative Review of Portions of Chapter 10: Significant Wildlife Habitat, a Major Substantive Rule of the Department of Inland Fisheries and Wildlife (EMERGENCY)

(H.P. 1481) (L.D. 2090)

(C. "A" H-983)

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

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

On motion of Representative CLARK of Millinocket, the House adjourned at 5:35 p.m., until 10:00 a.m., Tuesday, April 11, 2006 in honor and lasting tribute to Francis "Mickey" Michaud, of Millinocket.