

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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
40th Legislative Day
Wednesday, April 12, 2006

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

Prayer by Reverend Peter B. Panagore, First Radio Parish Church of America.

National Anthem by Phil Whitehawk, Palermo.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Convey the Department of Labor Building at 19 Union Street in Augusta

(H.P. 1311) (L.D. 1871)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-744) in the House on February 8, 2006.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-576)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act Regarding the Maine Insurance Guaranty Association"

(H.P. 1463) (L.D. 2068)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-941) in the House on April 7, 2006.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-941) AS AMENDED BY SENATE AMENDMENT "A" (S-584)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act Regarding Storm Water Program Administration

(H.P. 1435) (L.D. 2035)

(C. "A" H-879)

PASSED TO BE ENACTED in the House on April 3, 2006.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-879) AS AMENDED BY SENATE AMENDMENT "A" (S-594)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

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

(H.P. 1235) (L.D. 1727)

Minority (4) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LEGAL AND VETERANS AFFAIRS READ AND ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-923)** in the House on April 7, 2006.

Came from the Senate with the Majority (8) **OUGHT NOT TO PASS** Report of the Committee on **LEGAL AND VETERANS AFFAIRS READ AND ACCEPTED** in **NON-CONCURRENCE**.

Representative HOTHAM of Dixfield moved that the House **RECEDE AND CONCUR**.

Representative TUTTLE of Sanford **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 motion of Representative DUPLESSIE of Westbrook, **TABLED** pending the motion of Representative HOTHAM of Dixfield to **RECEDE AND CONCUR** and later today assigned. (Roll Call Ordered)

Non-Concurrent Matter

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

(H.P. 1392) (L.D. 1987)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-965) in the House on April 10, 2006.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-965) AS AMENDED BY SENATE AMENDMENT "A" (S-587)** thereto in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (H.C. 439)

STATE OF MAINE

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

April 6, 2006

Honorable Beth Edmonds, President of the Senate

Honorable John Richardson, Speaker of the House

122nd Maine Legislature

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

L.D. 1933

An Act To Maintain Standards for Consumers of Mechanical Services

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

Sincerely,

S/Sen. Lynn Bromley

Senate Chair

S/Rep. Nancy E. Smith

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 440)

STATE OF MAINE

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

April 6, 2006

Honorable Beth Edmonds, President of the Senate

Honorable John Richardson, Speaker of the House

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

**Pursuant to Statute
Department of Labor**

Representative SMITH for the Department of Labor pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 17: Rules Regarding Proof of Ownership by Employers Employing Foreign Laborers To Operate Logging Equipment, a Major Substantive Rule of the Department of Labor (EMERGENCY)

(H.P. 1501) (L.D. 2109)

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

Report was READ and ACCEPTED and the Resolve REFERRED to the Committee on LABOR and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Howard Ryder, of Newcastle, on the occasion of his retirement as the Head of School of Lincoln Academy, after 35 years' experience in education. He has been the Head of School since 1994. We extend our congratulations and best wishes to Mr. Ryder on his retirement;

(HLS 1836)

Presented by Representative MCKANE of Newcastle.

Cosponsored by Senator DOW of Lincoln.

On OBJECTION of Representative MCKANE of Newcastle, was REMOVED from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Newcastle, Representative McKane.

Representative MCKANE: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Two weeks ago at the Newcastle annual town meeting, Howie Ryder, the headmaster of Lincoln Academy for the past 12 years, announced his retirement for health reasons. The residents in the very crowded gymnasium listened in stone silence and afterward gave Mr. Ryder a long and loud standing ovation, to a man that had directed their community's beloved Lincoln Academy over the past 12 years. Mr. Ryder has been a familiar figure around Lincoln Academy campus and around the towns of Newcastle and Damariscotta. He was accessible to teachers, families and, most importantly, the students of Lincoln Academy at any time and on any issue. Mr. Ryder started his career as a teacher and coach at Searsport. He later became a teacher and coach at Foxcroft Academy and finally was hired as headmaster to Lincoln Academy in 1994. At the time, he faced two major problems. There were some other small ones, but there two major ones. One of them was severe overcrowding and one of them was discipline. He dealt with the discipline problem in an open and decisive way. That first year, there were 18 expulsion hearings. At the first assembly, he suspended seven students. "There was a general lack of respect for the school and each other," he said recently in an interview with the *Lincoln County News*, "I kept assuring everyone that the good kids were going to take over the school. We had to create an environment where they could thrive and they did." Growth and space have been a constant theme during Mr. Ryder's tenure and he worked

tirelessly in securing funds for Lincoln Academy's capital campaigns to add on the necessary spaces. He attended all of the town meetings for all of the surrounding towns that use Lincoln Academy as their high school and humbly asked for funds for the necessary expansion projects as only public/private schools have to do. Now, Lincoln Academy no longer has to use their hallways as classrooms and study halls. One of Mr. Ryder's biggest accomplishments during his tenure is the school's advisory program. The program was already in existence when he arrived, but he refined it considerably in the years since. Currently, a faculty member is assigned eight or nine students to whom they offer guidance and advice. The intention is to provide the student with a positive adult role model and a steady sounding board throughout their high school experience. Another of Mr. Ryder's achievements is the establishment, with the help of local health professionals, of LA's school-based health center, which provides health services to students on site. A third success is Lincoln's Jobs Future Programs. The perception of this private school in the local community is one of the biggest changes of Lincoln Academy during his tenure and is, in my opinion, one of the most important. Somehow, he has garnered a new pride and respect for this school that wasn't there before his arrival. The people of the communities served by Lincoln Academy and the people of the State of Maine thank Mr. Ryder for his service and commitment to his students and to education, and although he must leave our school and our community for now, we know he will return to education and public service soon. We look forward to that. Thank you Howie Ryder.

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'd like to also congratulate Howard Ryder on this accomplishment. Thirty-three years ago, when I was a young South Portlander signing my first contract to teach, I went to Greenville to work for Howard's dad. He was my first superintendent. In the words of Oscar Levant, I knew Howard before he was a virgin. Howard Ryder has had an outstanding career in education and I just want to take this opportunity to congratulate him on his outstanding achievements in these past 35 years.

Subsequently, the Sentiment was PASSED and sent for concurrence.

Recognizing:

the Pine Tree Society for Handicapped Children and Adults, on the occasion of its 70th Anniversary of helping Maine people with disabilities through innovative programs and special services that help them lead active, more socially connected lives. The Pine Tree Society was incorporated in 1936 as a statewide organization to help children with disabilities to live and play like "other children." In 1945, Pine Tree Camp was established to offer traditional summer camp experiences to Maine children with disabilities. Since that time, the Pine Tree Society has accepted all who can benefit from the extraordinary programming at Pine Tree Camp, regardless of the ability to pay tuition. Throughout its history, the Society has been committed to meeting unmet needs of disabled children and adults with a spirit of innovation, compassion and a desire to discover new ways to break down barriers. We acknowledge the Pine Tree Society's enormous contribution to the State of Maine, and we extend our congratulations to all the members who have given so much during the past 70 years;

(HLS 1837)

Presented by Representative WATSON of Bath.

Cosponsored by Senator MAYO of Sagadahoc, Representative GROSE of Woolwich, Representative PERCY of Phippsburg.

On **OBJECTION** of Representative WATSON of Bath, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **WATSON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. It is my honor to congratulate the Pine Tree Society with headquarters in Bath and an office in Scarborough. This outfit is an example of what can be accomplished when concerned citizens, people of the community, get together to try to fill a need the government cannot, or will not, fill on its own. For 70 years the Pine Tree Society has brought people, disadvantaged and disabled children and adults, into the mainstream. It has brought them into the community and taught them simple skills, important skills, life skills like balancing a checkbook, ordering at a restaurant, making change and walking through traffic. All of the basic things you and I take for granted, many people simply can't enjoy because they don't have the opportunity. The Pine Tree Society has always stood up for those people and has brought them into the community. The community services include swimming, bowling, dining out in area restaurants, train trips, snowmobiling, YMCA, shopping trips, movie theaters and the whole passel of activities that these people otherwise would not be able to enjoy. This group as been doing it very quietly, very inexpensively and without much fanfare for 70 years. That includes running a summer camp that provides hundreds of children, every summer, an outdoor experience that can be matched in no other realm. On behalf of the City of Bath and this Legislature I would like to congratulate the Pine Tree Society on this very important and timely 70th anniversary. Thank you Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Orono, Representative Cain.

Representative **CAIN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I just wanted to add my congratulations to the Pine Tree Society on their 70th anniversary. As many of you may know, my mother works in deaf education and has spent her lifetime advocating for, and serving as a sign language interpreter for, people in many states in the nation. When she came to Maine I know she has enjoyed, and continues to enjoy, working with the Pine Tree Society in her capacity as an interpreter and also as a former employee of the Governor Baxter School for the Deaf. I just wanted to take a minute and say congratulation and thank you for the work you do on behalf of people with disabilities in Maine.

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

In Memory of:

United States Army Specialist Dustin James Harris, of Patten, a member of the 172nd Brigade Support Battalion in Fort Wainwright, Alaska. He was killed by a roadside bomb while on foot patrol in Beiji, Iraq. Specialist Harris joined the United States Army after his 2002 graduation from Katahdin High School in Stacyville. We acknowledge his dedicated service, and we recognize the ultimate sacrifice he made for his country. He will be greatly missed and long remembered by his loving family, his friends and his grateful State and Nation;

(HLS 1840)

Presented by Representative JOY of Crystal.

Cosponsored by Representative ADAMS of Portland, Senator ANDREWS of York, Representative ANNIS of Dover-Foxcroft, Representative ASH of Belfast, Representative AUSTIN of Gray, Representative BABBIDGE of Kennebunk, Representative BARSTOW of Gorham, Senator BARTLETT of Cumberland, Representative BEAUDETTE of Biddeford, Representative BERUBE of Lisbon, Representative BIERMAN of Sorrento, Representative BISHOP of Boothbay, Representative BLANCHARD of Old Town, Representative BLANCHETTE of Bangor, Representative BLISS of South Portland, Representative BOWEN of Rockport, Representative BOWLES of Sanford, Representative BRANNIGAN of Portland, Representative BRAUTIGAM of Falmouth, Senator BRENNAN of Cumberland, Senator BROMLEY of Cumberland, Representative BROWN of South Berwick, Representative BROWNE of Vassalboro, Senator BRYANT of Oxford, Representative BRYANT of Windham, Representative BRYANT-DESCHENES of Tumer, Representative BURNS of Berwick, Representative CAIN of Orono, Representative CAMPBELL of Newfield, Representative CANAVAN of Waterville, Representative CARR of Lincoln, Representative CEBRA of Naples, Representative CHURCHILL of Washburn, Representative CLARK of Millinocket, Representative CLOUGH of Scarborough, Senator CLUKEY of Aroostook, Representative COLLINS of Wells, Senator COURTNEY of York, Senator COWGER of Kennebec, Representative CRAVEN of Lewiston, Representative CRESSEY of Cornish, Representative CROSBY of Topsham, Representative CROSTHWAITE of Ellsworth, Representative CUMMINGS of Portland, Representative CURLEY of Scarborough, Representative CURTIS of Madison, Representative DAIGLE of Arundel, Senator DAMON of Hancock, Representative DAVIS of Falmouth, Representative DAVIS of Augusta, Senator DAVIS of Piscataquis, Senator DIAMOND of Cumberland, Senator DOW of Lincoln, Representative DRISCOLL of Westbrook, Representative DUCHESNE of Hudson, Representative DUDLEY of Portland, Representative DUGAY of Cherryfield, Representative DUNN of Bangor, Representative DUPLESSIE of Westbrook, Representative DUPREY of Hampden, Representative EBERLE of South Portland, Representative EDER of Portland, Representative EDGECOMB of Caribou, President EDMONDS of Cumberland, Representative EMERY of Cutler, Representative FAIRCLOTH of Bangor, Representative FARRINGTON of Gorham, Representative FINCH of Fairfield, Representative FISCHER of Presque Isle, Representative FISHER of Brewer, Representative FITTS of Pittsfield, Representative FLETCHER of Winslow, Representative FLOOD of Winthrop, Senator GAGNON of Kennebec, Representative GERZOFKY of Brunswick, Representative GLYNN of South Portland, Representative GOLDMAN of Cape Elizabeth, Representative GREELEY of Levant, Representative GROSE of Woolwich, Representative HALL of Holden, Representative HAMPER of Oxford, Representative HANLEY of Paris, Representative HANLEY of Gardiner, Representative HARLOW of Portland, Senator HASTINGS of Oxford, Senator HOBBS of York, Representative HOGAN of Old Orchard Beach, Representative HOTHAM of Dixfield, Representative HUTTON of Bowdoinham, Representative JACKSON of Allagash, Representative JACOBSEN of Waterboro, Representative JENNINGS of Leeds, Representative JODREY of Bethel, Representative KAELIN of Winterport, Representative KOFFMAN of Bar Harbor, Representative LANSLEY of Sabattus, Representative LERMAN of Augusta, Representative LEWIN of Eliot, Representative LINDELL of Frankfort, Representative LUNDEEN of Mars Hill, Representative MAKAS of Lewiston, Representative MAREAN of

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **LABOR** reporting **Ought Not to Pass** on Bill "An Act To Protect Workers from Political or Religious Intimidation"

(S.P. 724) (L.D. 1924)

Signed:

Senators:

SNOWE-MELLO of Androscoggin
BARTLETT of Cumberland

Representatives:

SMITH of Van Buren
DRISCOLL of Westbrook
HALL of Holden
DUPREY of Hampden
CRESSEY of Cornish
HAMPER of Oxford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-582)** on same Bill.

Signed:

Senator:

STRIMLING of Cumberland

Representatives:

JACKSON of Allagash
HUTTON of Bowdoinham
TUTTLE of Sanford
CLARK of Millinocket

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

READ.

Representative SMITH of Van Buren moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

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

Representative **HUTTON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I just wanted to point out that the name of this bill is a little bit misleading. The religious intimidation that is referred to in this is actually covered by the Human Rights Act, so it was stripped from the bill. I just wanted you to know that before you took a vote. This is clearly to protect the worker's right to leave a meeting if they disagree with the topic that is being discussed and protects them from being fired. That is simply all this bill seeks to do, is protect the worker from sitting in a meeting and having to listen to political discourse by their employer on something they disagree with.

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

ROLL CALL NO. 492

YEA - Adams, Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Berube, Bierman, Bishop, Blanchard, Blanchette, Bowen, Bowles, Brannigan, Brown R, Browne W, Bryant-Deschenes, Cain, Campbell, Canavan, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosthwaite, Cummings, Curley, Curtis,

Hollis, Representative MARLEY of Portland, Representative MARRACHÉ of Waterville, Senator MARTIN of Aroostook, Senator MAYO of Sagadahoc, Representative MAZUREK of Rockland, Representative McCORMICK of West Gardiner, Representative McFADDEN of Dennysville, Representative McKANE of Newcastle, Representative McKENNEY of Cumberland, Representative McLEOD of Lee, Representative MERRILL of Appleton, Representative MILLER of Somerville, Representative MILLETT of Waterford, Representative MILLS of Farmington, Senator MILLS of Somerset, Senator MITCHELL of Kennebec, Representative MOODY of Manchester, Representative MOORE of the Passamaquoddy Tribe, Representative MOORE of Standish, Representative MOULTON of York, Representative MUSE of Fryeburg, Representative NASS of Acton, Senator NASS of York, Representative NORTON of Bangor, Senator NUTTING of Androscoggin, Representative NUTTING of Oakland, Representative O'BRIEN of Lewiston, Representative OTT of York, Representative PARADIS of Frenchville, Representative PATRICK of Rumford, Representative PERCY of Phippsburg, Representative PERRY of Calais, Senator PERRY of Penobscot, Representative PILON of Saco, Representative PINEAU of Jay, Representative PINGREE of North Haven, Representative PINKHAM of Lexington Township, Representative PIOTTI of Unity, Senator PLOWMAN of Penobscot, Representative PLUMMER of Windham, Senator RAYE of Washington, Representative RECTOR of Thomaston, Representative RICHARDSON of Carmel, Representative RICHARDSON of Greenville, Speaker RICHARDSON of Brunswick, Representative RICHARDSON of Skowhegan, Representative RICHARDSON of Warren, Representative RINES of Wiscasset, Representative ROBINSON of Raymond, Representative ROSEN of Bucksport, Senator ROSEN of Hancock, Senator ROTUNDO of Androscoggin, Representative SAMPSON of Auburn, Senator SAVAGE of Knox, Representative SAVIELLO of Wilton, Representative SCHATZ of Blue Hill, Senator SCHNEIDER of Penobscot, Representative SEAVEY of Kennebunkport, Representative SHERMAN of Hodgdon, Representative SHIELDS of Auburn, Representative SIMPSON of Auburn, Representative SMITH of Monmouth, Representative SMITH of Van Buren, Senator SNOWE-MELLO of Androscoggin, Representative SOCKALEXIS of the Penobscot Nation, Representative STEDMAN of Hartland, Senator STRIMLING of Cumberland, Senator SULLIVAN of York, Representative SYKES of Harrison, Representative TARDY of Newport, Representative THOMAS of Ripley, Representative THOMPSON of China, Representative TRAHAN of Waldoboro, Senator TURNER of Cumberland, Representative TUTTLE of Sanford, Representative TWOMEY of Biddeford, Representative VALENTINO of Saco, Representative VAUGHAN of Durham, Representative WALCOTT of Lewiston, Representative WATSON of Bath, Representative WEBSTER of Freeport, Senator WESTON of Waldo, Representative WHEELER of Kittery, Representative WOODBURY of Yarmouth, Senator WOODCOCK of Franklin.

On **OBJECTION** of Representative JOY of Crystal, was **REMOVED** from the Special Sentiment Calendar.

READ.

On motion of Representative BOWLES of Sanford, **TABLED** pending **ADOPTION** and later today assigned.

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

Daigle, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dugay, Dunn, Duprey, Eberle, Edgecomb, Emery, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Glynn, Goldman, Greeley, Hall, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hotham, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Koffman, Lerman, Lewin, Lindell, Lundeen, Marean, Marraché, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Miller, Millett, Mills, Moody, Moore G, Moulton, Muse, Nass, Nutting, Ott, Paradis, Perry, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Robinson, Rosen, Saviello, Seavey, Sherman, Shields, Smith N, Smith W, Sykes, Tardy, Thomas, Thompson, Trahan, Valentino, Vaughan, Webster, Woodbury, Mr. Speaker.

NAY - Bliss, Brautigam, Bryant, Burns, Clark, Craven, Duplessie, Eder, Grose, Hutton, Jackson, Makas, Marley, Mazurek, Norton, O'Brien, Patrick, Percy, Pilon, Pineau, Pingree, Simpson, Tuttle, Twomey, Walcott, Watson, Wheeler.

ABSENT - Crosby, Lansley, Sampson, Schatz, Stedman.

Yes, 119; No, 27; Absent, 5; Excused, 0.

119 having voted in the affirmative and 27 voted in the negative, with 5 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence. **ORDERED SENT FORTHWITH.**

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "C" (S-573)** on Bill "An Act To Ensure Proper Disposal of Debris and Protection of the Environment" (S.P. 47) (L.D. 141)

Signed:

Senators:

COWGER of Kennebec
MARTIN of Aroostook
SNOWE-MELLO of Androscoggin

Representatives:

JOY of Crystal
WHEELER of Kittery
DAIGLE of Arundel
DUCHESNE of Hudson
ANNIS of Dover-Foxcroft
EBERLE of South Portland
KOFFMAN of Bar Harbor
ROSEN of Bucksport
THOMPSON of China

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "D" (S-574)** 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 "C" (S-573).**

READ.

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

On motion of Representative TWOMEY of Biddeford, **TABLED** pending the motion of Representative KOFFMAN of

Bar Harbor to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

The House recessed until 12:30 p.m.

(After Recess)

The House was called to order by the Speaker.

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

CONSENT CALENDAR

First Day

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

(S.P. 751) (L.D. 1954) Bill "An Act To Invest in the Future of Maine Citizens" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-586)**

(S.P. 838) (L.D. 2096) Resolve, To Reduce State Valuation as a Result of the Closure of Georgia-Pacific Facilities (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-590)**

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

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

HOUSE DIVIDED REPORT - Majority (12) **Ought to Pass as Amended by Committee Amendment "C" (S-573)** - Minority (1) **Ought to Pass as Amended by Committee Amendment "D" (S-574)** - Committee on **NATURAL RESOURCES** on Bill "An Act To Ensure Proper Disposal of Debris and Protection of the Environment"

(S.P. 47) (L.D. 141)

Which was **TABLED** by Representative TWOMEY of Biddeford pending the motion of Representative KOFFMAN of Bar Harbor to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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. Mr. Speaker, I question the germaneness of this legislation. The title was "An Act To Ensure Proper Disposal of Debris and Protection of the Environment." The amendment talks about accepting rules for the fuel for demolition debris and it's completely different than the title. I questioned it in committee because we should have had a public hearing on the rules for the demolition debris. I question the germaneness of this bill.

Representative TWOMEY of Biddeford asked the Chair to **RULE** if the Bill was **GERMANE**.

The **SPEAKER**: The Chair recognizes the Representative from Bar Harbor, Representative Koffman and inquires as to why he rises.

Representative **KOFFMAN**: I rise, Mr. Speaker, to speak to the question of germaneness.

The **SPEAKER**: That is not a proper motion before the House at this time. The Chair rules that the piece of legislation is

germane. Germane because it has a close relationship to the title. The title is "An Act To Ensure Proper Disposal of Debris and Protection of the Environment." A review of the summary indicates that the amendment limits the amount of wood from construction and demolition debris to be substituted for conventional fuel in a boiler. It also requires the Board of Environmental Protection to adopt specific rules regarding beneficial use of solid waste, transfer stations and storage sites. It further states that the source separation and state of the art processing construction and demolition debris is to be considered in a feasibility study of the Department of Environmental Protection. For those reasons, the Chair rules that both the title and the language within the body of the bill are consistent, therefore germane.

Subsequently, the Chair **RULED** that the Bill was **GERMANE**.

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

Representative **TWOMEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This original bill that was heard in National Resources was about burning 50% demolition debris. In the meantime, the Board of Environmental Protection was working on these very rules. The Board of Environmental Protection was working on those rules for 11 months when two of the board members starting asking some important questions about how those rules were going to protect the Maine citizens from burning the demolition debris. When those questions got asked, and this board has been working on this for 11 months, they're the ones who have been hearing the scientific documentation, they felt that they needed 30 more days because they felt that rules weren't as strict as they should be to protect our air. To answer some of the questions about when you burn vinyl buildings, about the dioxin that comes from that burn, their recommendation was to have a public hearing for 30 more days, and the next thing we know, we had already voted this bill out of committee and the amendment shows up that we have to accept the rules and put on this bill. That's why I question the germaneness. I will not be voting for this bill. I am on the minority report because I want to slow this down and I want to have a moratorium and study this issue. We are turning out to be the dumping ground for out of state waste in the State of Maine. We have increased our out of state waste by 233,000 tons. Massachusetts has stopped burning demolition debris. New Hampshire has a moratorium on burning demolition debris. Guess where they're going to be sending it. In his State of the State address, the Governor of New Hampshire talked about New Hampshire not being the dumping ground for this material and that Maine will be one of the few states that will be burning this demolition debris. We have boilers that burn demolition debris and they don't burn more than 50%. The bill is not saying we are going to stop importing demolition debris by 50%, it merely states that they can't burn more than 50%. There are no trash police. We don't know how much is coming to these facilities. We don't know how much they'll be able to burn. This same boiler at Old Town that we paid \$26 million, they'll say we didn't, it's revenue neutral, Casella actually got the deal to run the landfill, and the \$26 million went into the boiler so we could save 400 jobs. When that came to our committee, I asked the CEO of Georgia Pacific if he could prove to me that those jobs wouldn't leave the State of Maine. If he could give that to me in writing I would agree that the State purchase that landfill to save those jobs. He said "Oh Representative Twomey, we can't make that promise." Here we are today. Georgia Pacific is closed. Twenty six million dollars for a boiler and those jobs are in jeopardy. To use the argument that this would help stop the sale of Georgia Pacific is bogus because they have been licensed to burn

demolition debris for six months, but they can't pass the air emissions. While the rules are being worked out and there are questions being asked about this, I want to slow this process down. I do not want to turn Maine into a dumping ground for out of state waste, because that what we are doing. Thank you Mr. Speaker.

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

Representative **CAMPBELL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I guess we've got the dumping ground right here, with those terrorists who were up there last night dumping the stuff all over the House of Representatives. Anybody whose associated with them ought to be ashamed of themselves.

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

Representative **KOFFMAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As many of you know, our efforts in Maine to manage our waste management systems, our solid waste, our municipal waste, our recycling programs and our hazardous waste programs are a work in progress. I recall, not so many years ago, 40 maybe, when my father would send me with a pickup truck load of stuff to the dump in Castine. I'd drive into a smoldering dump that had lead paint, and all kinds of stuff, and it's smoldering, burning all the time. There were a few dumps that didn't smolder and burn most of the time. We had hundreds of them. We've come a long, long way. We have a long way, frankly, to go. This 12-1 report was not developed in one hearing, in one work session. It was developed in multiple hearings, multiple work sessions. Were we not to take any action on the issues in this bill, we'd have less strict standards for the composition of the C&D, the construction and demolition debris, that is currently being burned in our boilers. We're now burning it. We've been burning it. If we're going to continue burning it, let's have it be the cleanest fuel it can be with the fewest impurities possible. Right now, we're limiting the amount of vinyl and other impurities to about one percent of the total mix and we have good air emissions controls on the stacks. The point is, session is coming to a close. We want to get in stricter standards now while we're continuing to burn this material and we want to limit the amount of material to 50% of the mix on an annual basis, that's going into those facilities using it. This is a solid piece of environmental legislation protective of the public health. It's a step in the right direction. It's not the last step. We have formed a commission with the support of the Legislature to comprehensively study our entire waste management system, including this issue. We've also charged the DEP to come back to us in January, and we have authority within this legislation, to report out further legislation that may be more protective in regards to quality of the fuel being burned. We've asked the DEP to study that over the year ahead so that we can not only continue to make improvements, but also continue to burn CDD wood, which is greenhouse neutral. We're still growing trees as I last saw. It's helping our mills continue to find fuels that are more cost effective in this current market for fuel. I would hope we can get strong support for this 12 to 1 report. Thank you Mr. Speaker.

Representative **KOFFMAN** of Bar Harbor **REQUESTED** a roll call on the motion to **ACCEPT** the Majority Ought to Pass as Amended Report.

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is acceptance of the Majority Ought to

Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 493

YEA - Annis, Austin, Babbidge, Barstow, Beaudette, Bierman, Bishop, Blanchard, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant-Deschenes, Campbell, Carr, Cebra, Churchill, Clark, Clough, Collins, Cressey, Crosby, Crosthwaite, Cummings, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dudley, Duplessie, Duprey, Eberle, Edgecomb, Emery, Farrington, Fischer, Fisher, Fitts, Fletcher, Flood, Glynn, Goldman, Greeley, Hall, Hamper, Hanley B, Hanley S, Harlow, Hogan, Jacobsen, Jodrey, Joy, Kaelin, Koffman, Lansley, Lewin, Lindell, Marean, Marley, Marraché, Mazurek, McCormick, McFadden, McKane, McKenney, McLeod, Miller, Millett, Mills, Moody, Moore G, Moulton, Muse, Nass, Nutting, O'Brien, Ott, Patrick, Pilon, Pineau, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Robinson, Rosen, Sampson, Saviello, Seavey, Sherman, Shields, Simpson, Smith N, Sykes, Tardy, Thomas, Thompson, Trahan, Tuttle, Valentino, Vaughan, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Adams, Ash, Blanchette, Bliss, Bryant, Burns, Cain, Canavan, Craven, Dunn, Eder, Finch, Gerzofsky, Grosse, Hutton, Jackson, Jennings, Lerman, Lundeen, Makas, Merrill, Norton, Paradis, Perry, Pingree, Smith W, Twomey, Walcott.

ABSENT - Berube, Dugay, Faircloth, Hotham, Percy, Schatz, Stedman.

Yes, 116; No, 28; Absent, 7; Excused, 0.

116 having voted in the affirmative and 28 voted in the negative, with 7 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "C" (S-573)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, April 13, 2006.

**CONSENT CALENDAR
Second Day**

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

(S.P. 818) (L.D. 2086) Bill "An Act To Facilitate the Regionalization of Emergency Communications Dispatching Services" (C. "A" S-583)

(H.P. 1297) (L.D. 1857) Bill "An Act To Clarify Municipal Valuations of Resort Property" (C. "A" H-993)

(H.P. 1348) (L.D. 1907) Bill "An Act To Amend the Law Governing DNA Testing" (C. "A" H-994)

(H.P. 1386) (L.D. 1979) Bill "An Act To Allow the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf To Lease Classroom Space to Independent Schools" (EMERGENCY) (C. "A" H-996)

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

(S.P. 790) (L.D. 2045) Bill "An Act To Implement the Recommendations of the Commission To Reform the State Budget Process" (C. "A" S-570)

On motion of Representative WOODBURY of Yarmouth, was **REMOVED** from the Second Day Consent Calendar.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (S-570)** was **READ** by the Clerk and **ADOPTED**.

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

Representative WOODBURY of Yarmouth **PRESENTED House Amendment "A" (H-1003)**, 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, Men and Women of the House. This bill is about reforming the budget process. There was a commission appointed that reviewed the budget process and came forward with some recommendations. Most important among them, working with a zero based budget. I believe there's another important thing that should be added to this bill and that's the purpose of this amendment. I haven't been here in the Legislature all that long and haven't observed all that many budgets, but I do have two observations and two aspects of the budget process that have troubled me. One is the short-term focus of the budget. We deal so hard with trying to accomplish what we want to do in a single biennium rather than having some longer term vision and putting the budget that we're working on, the biannual budget, into that longer term context. Incorporating what we're doing in the two year budget time frame into where we want the State to go over the longer term. This amendment is to bring into the discussion a longer range plan. It doesn't need to be detailed. It doesn't need to be quantitatively specific. It simply says that in the midst of figuring out the details of the current budget, we ought to be thinking about where we're headed over the longer term. The second thing that has troubled me is the tendency to put off budget challenges into the future, either with one time revenue sources by deferring the effective date of things to future budget periods. It has always concerned me that we are faced with the budget challenge of today, but we put off more serious challenged into the future. The second thing that this amendment does is at least say that if there is some projected surplus in the future or, more likely, some projected deficit in the future, that should be talked about in the budget. Maybe, again, we don't have a specific quantitative plan, but at least we have some idea of a direction and how it fits into the longer term direction of where we want the State to go. Now, this idea of mine has a little bit of history. I did, in fact, put in a bill to this effect. One of the reactions to the bill was that it would require work on the part of the administration to project forward what expenditure are likely to be and what revenues are likely to be into a period when there is uncertainty in the future. I accept that critique. I can see that this would put, perhaps, an unfair burden on the projection process into the future that we don't want to do. This amendment is a much more scaled back thing that simply says "Talk about the long range budget plan of the State. Talk about whatever projected surpluses or deficits that may exist into the future and what we might do about them." It doesn't prescribe anything specific that needs to be done with the budget. It simply says that these things need to be addressed in some broad way and leaves discretion to the Chief Executive to interpret how to do that, however the Chief Executive wants to do it. I think this would add a lot to the budget process and that's why I wanted to bring it to the floor for the consideration of the Legislature. Thank you Mr. Speaker.

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

Representative **BRANNIGAN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Certainly Representative Woodbury from Yarmouth has contributed a great deal in the discussions of many things dealing with good government. However, I am going to ask you to defeat this amendment for several reasons. One, this commission, I was a member, had members from both sides, members from past administrations and present administration, discussed this issue. Our major discussion was this. I'm sure you have it and you've all read it. This is the way it is being done now. Huge. And to find out, really a true picture, you have to go to at least three or four places in here and only the Representative from Waterboro, Representative Millett is able to do it. Not to insult anyone else including myself. Transparency is the day. We have come up with a way that we think those of you who are returning will find next year a very different budget. For now, that is what we want. We do not want any clutter. We're trying to get rid of as much as we can. I fear that if a Chief Executive who does not have the horsepower, like the federal government, to plan out in the future, who only has projections of income for a couple of years, and those get changed, I just fear that if this is passed, that Chief Executive will have to put something in to satisfy this. I fear it won't do a lot for our understanding. We ask you to try and let us try out this transparent budget that we're going to have and we ask you to stay with us so that we can try it out. If in the future we find a way to go out 10 years in projections, then I think it will be a very good thing. Until now, I hope you will defeat this motion.

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

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

The SPEAKER: The Representative may pose his question.

Representative **TRAHAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. To anyone in the chamber who might answer, the Executive is a separate branch of government. I'm wondering if this amendment would be telling the Executive to do something and I'm wondering if that's appropriate for the legislature to do?

The SPEAKER: The answer would be, yes, at times it is. The Chair recognizes the Representative from Waterford, Representative Millett.

Representative **MILLETT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think that the Representative from Yarmouth makes some good points in his comments. I applaud him for wanting to see more long-term vision, more systematic and strategic planning as we look forward to matching revenues with expenditures. He presented the bill both this session and in previous sessions and I, within the committee, have been supportive of his aims in both instances. I've heard the administration make the point, and I've heard it again this morning from my good House Chair, that it's really impractical to expect a model that looks like the federal model with 10 year reauthorizations and appropriations that tend to stray, in practice, far from the authorizations that are made that far in advance. I further think that this is probably the worst time that we could think of to try to impose upon any administration, the current administration or a new administration should that be the case in the months following the election this fall. The practical matter is that it would be impossible to put real substance and believability into revenue forecasts that go out every 10 years. We know that we saw substantive changes from

November to March. We would see that on a rather regular basis. I do want to say that I applaud the Representative's intent. It is consistent with my wish that we could do more things with longer term focus and not simply push very problematic issues ahead of us on the premise that future Legislatures would bail us out. I would say that this is probably the worst time that we could consider this amendment. I urge your opposition to it. I would like to say just one thing, and I know I shouldn't speak to the bill itself, but for many of you who heard Representative Brannigan speak to the general history of the bill, we are looking forward to a next biennial budget that will be much more user friendly, will eliminate the distinctions between Part 1 and Part 2, will abandon current services where we sometimes get into rhetorical arguments over how much of a rate of increase is really a cut and it will deal with a concept called baseline budgeting where justification would be required for each and every departure from the prior historical base of funding for much of or all of the budget. It would also abandon the performance budget measurements which get in the way of us, often times, in dealing with budgets, but still retain the concept of strategic planning. I really do feel good about the budget process and the reforms that have been developed by the committee. I agree with Representative Woodbury from Yarmouth that it would be nice if we could do some longer-range planning, but under the circumstances I believe the amendment is probably impractical and ill-timed. I urge your opposition to it.

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 commend the good Representative from Yarmouth for this amendment. Certainly it's a step in the right direction. I guess my only criticism would be that, in the future before we declare surpluses, we pay our bills. I guess I'd like to see a clear understanding of just the kind of money we have left over before we claim, to the State, that we have surpluses. I hope we do a better job of explaining that in the future. My compliments to the good Representative from Yarmouth.

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

Representative **WOODBURY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I very much appreciate the comments of the Representative from Portland, Representative Brannigan and the Representative from Waterford, Representative Millett about our moving ahead with a new budget process and their concerns with this particular addition. I do want to just correct what this is though. It was mentioned by the Representative from Waterford that it was impractical that we expect that we make 10 year projections of revenues and expenses in Maine. I think that's true. I think that is impractical at this time. This bill does not do anything of the sort. This bill is simply to have to make some kind of statement about the long-range plan of the State and how the budget fits into the long-range plan of the State. It is not quantitatively specific. It can be purely descriptive. There is great discretion in how the administration might interpret this. I think nudging them in the direction to have to think long-term is exactly what we ought to be encouraging them to do. That's why I, again, encourage your support for this amendment. Thank you Mr. Speaker.

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

Representative **BRANNIGAN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I, again, do not want something. We would be best if we did not clutter. I fear this would clutter. I ask for a roll call.

Representative **BRANNIGAN** of Portland **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-1003)**.

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-1003). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 494

YEA - Austin, Beaudette, Brown R, Bryant, Burns, Canavan, Cebra, Clough, Collins, Crosby, Crosthwaite, Curley, Davis K, Driscoll, Eberle, Finch, Fitts, Fletcher, Flood, Goldman, Lansley, Lindell, Marley, McCormick, McKane, McKenney, Merrill, Muse, O'Brien, Percy, Rector, Rosen, Sampson, Saviello, Shields, Smith N, Thompson, Tuttle, Twomey, Walcott, Watson, Wheeler, Woodbury.

NAY - Adams, Annis, Ash, Babbidge, Barstow, Bierman, Bishop, Blanchard, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brautigam, Browne W, Bryant-Deschenes, Cain, Campbell, Carr, Churchill, Clark, Craven, Cressey, Cummings, Curtis, Daigle, Davis G, Duchesne, Dudley, Dunn, Duplessie, Duprey, Eder, Edgecomb, Emery, Faircloth, Farrington, Fischer, Fisher, Gerzofsky, Glynn, Greeley, Grose, Hall, Hamper, Hanley B, Hanley S, Harlow, Hogan, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Koffman, Lerman, Lewin, Lundeen, Makas, Marean, Marraché, Mazurek, McFadden, McLeod, Miller, Millett, Mills, Moulton, Nass, Norton, Nutting, Ott, Paradis, Patrick, Perry, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Robinson, Seavey, Sherman, Simpson, Smith W, Sykes, Tardy, Thomas, Trahan, Valentino, Vaughan, Webster, Mr. Speaker.

ABSENT - Berube, Dugay, Hotham, Moody, Moore G, Schatz, Stedman.

Yes, 43; No, 101; Absent, 7; Excused, 0.

43 having voted in the affirmative and 101 voted in the negative, with 7 being absent, and accordingly **House Amendment "A" (H-1003) FAILED ADOPTION.**

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-570)** in concurrence. **ORDERED SENT FORTHWITH.**

BILLS IN THE SECOND READING

Senate as Amended

Bill "An Act Concerning Technical Changes to the Tax Laws" (S.P. 668) (L.D. 1751) (C. "A" S-571)

House

Bill "An Act To Establish a Food Policy for Maine" (H.P. 1497) (L.D. 2107)

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

Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands (H.P. 1415) (L.D. 2015) (C. "A" H-991)

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

On motion of Representative **CLARK** of Millinocket, was **SET ASIDE.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-991)** was **ADOPTED.**

The same Representative **PRESENTED House Amendment "B" (H-1001)** to **Committee Amendment "A" (H-991)** which was **READ** by the Clerk.

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

Representative **CLARK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This is a very simple amendment and straightforward. Sitting in the work sessions and the public hearing, time and time I heard from the people presenting the bill and the people in the audience and particularly people from DOC, as well as the Gardiner family, this deal needs to be done by July 1st of this year or it's not going to be workable. We need to have the money in by July 1st. Time and time again, Mr. Gardiner said, "Well, if it goes beyond July, we may give you one to two weeks." I put this amendment in, I was going for August 1st in completion of this transaction, to keep their feet to the fire. If they're going to have a deal, which has been going on for three years, I think we owe it to ourselves to have a time certain that we deal with it, that we haven't got to look at it again next year, that we move on and take care of business. That's why I offer the amendment Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Unity, Representative Piotti.

Representative **PIOTTI**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I ask that you defeat this motion. The amendment may have no effect on the Katahdin land deal, but it could have a disastrous effect. It's possible that the deal could be delayed beyond August 1 and if that's the case and all parties came to some accommodation, why is that a problem? If this body feels that this deal makes sense, and I think last night you showed that we feel that, it makes sense as a good deal whether it's July 1 or August 1 or August 15th. The reason as stated by the Representative from Millinocket, Representative Clark was that he wants to keep the parties feet to the fire. I would say their feet are already in the fire. We have a purchase and sale agreement which is dated July 1. So, that pushes things. We have the Gardiners, who we know are very anxious to close this out. We have the Department of Conservation who, believe me, would like nothing better than to have this behind them. And finally, we have the Trust for Public Land who are coordinating the deal and coordinating the fundraising. They've already put out over \$8 million to purchase the IP lands. Every day that this is delayed costs them extra money in debt service. Every pressure you could ever possibly hope for to bring this to a rapid conclusion is already there. Yet, as we all know, sometimes, if you're buying a house or whatever, things need to be delayed 30 days, 60 days, as long as the parties agree, that's OK. Why would we jeopardize this deal based on picking a random date out of the air when we want to make this deal happen and it's a good deal no matter when it happens? I urge you to vote no on this motion.

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

Representative **CLARK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I hate to keep rising on this, but it's like the hearings and the work session, you just cannot get to the truth. It seemed like every time we'd hear something the movement is changing. Time and time again, like I told you if you went to the work session or you went to the hearing, you heard July 1st, the month of July brought up time and time again. Now it could be August, September, October or November. When is this committee, when is DOC going to start telling people in this chamber the truth? That's all I wanted, is the truth. If they're going to do it in August, so be it. We all have been told by the Gardiner family and by the committee July is a workable date. He said if we have to go on beyond July we may go a week or two. Come on, Ladies and Gentlemen, let's hear the facts. Let's hear the truth that's going on. Every time we hear from this committee and DOC they move and change the date. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Unity, Representative Piotti.

Representative **PIOTTI**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Two points Mr. Speaker. The first one is, the July 1st date is a real date. It's the date of the purchase and sale agreement, so it's the date that we're all aiming for. My point was just to say, "Deals, sometimes, need more time and that is possible." My second point is, there's been no misleading of this body. I want to read from the materials that were provided a week ago last Friday to the whole chamber. Right then and there we talked about the possibility that things might be delayed. I read, "If enough funding cannot be raised by summer, it is possible that Gardiner will agree to an extension. If not, the Trust for Public Lands, which has already put up over \$8 million to acquire the 14,000 acres of private land, may need to borrow money until the full amount is raised." One way or another the partners in this project are committed to making it happen. There has been no misrepresentation of the facts. I would argue that this amendment is simply another way of killing this bill. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Millinocket, Representative Clark. 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 **CLARK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I think you just heard again it could go on beyond summer time. They needed time to work this. I think we had all the time in the world to put out a proper bill that everybody could have been agreeable to. I find myself in a difficult situation standing up here arguing with my good friend who is the Chair of the committee and the people that may be in the audience. He just told you that this could run on long before the summer months. If they have that much time, I think we could have been still downstairs, or someplace, working out some kind of compromise to make this acceptable to everybody. Thank you.

Representative **PIOTTI** of Unity **REQUESTED** a roll call on the motion to **ADOPT** the **House Amendment "B" (H-1001) to Committee Amendment "A" (H-991)**.

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

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

Representative **WATSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Looking at this amendment, while I sympathize with my brother, the Representative from Millinocket's concerns about the transaction, the money, the timing and all that, I'm afraid that the amendment, itself, is a poisoned pill. This calls for the transfer, authorized under the section, to be completed no later than August 1, 2006. For those of you who are lawyers unfortunate enough to have handled real estate closings or those of you who've actually purchased your own property or camps, you know that such transfers cannot take place in that length of time. We're talking about large numbers of public lots being exchanged. Those are title searches and deed transfers. There is a great deal of paperwork. Even if everything were copasetic and agreeable tomorrow and we were able start the process, I can't imagine and I believe any of the real estate attorneys among us would agree, that working under that kind of deadline is practically impossible given the complexity of this transaction. Again, while I sympathize with my brother from Millinocket, I'm afraid that this arbitrary choice of date may well seal the doom of this transaction. I encourage you to vote against this amendment. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "B" (H-1001) to Committee Amendment "A" (H-991). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 495

YEA - Blanchette, Bryant, Clark, Crosthwaite, Fischer, Harlow, Jackson, Joy, Moody, Paradis, Patrick, Pineau, Pinkham, Richardson E, Richardson M, Saviello, Sherman, Thomas, Tuttle, Vaughan, Wheeler.

NAY - Adams, Annis, Ash, Austin, Babbidge, Barstow, Beaudette, Bierman, Bishop, Blanchard, Bliss, Bowen, Bowles, Brannigan, Brautigam, Brown R, Browne W, Bryant-Deschenes, Burns, Cain, Campbell, Canavan, Carr, Cebra, Churchill, Clough, Collins, Craven, Cressey, Crosby, Cummings, Curley, Curtis, Daigle, Davis G, Davis K, Driscoll, Duchesne, Dudley, Dunn, Duplessie, Duprey, Eberle, Eder, Edgcomb, Faircloth, Farrington, Finch, Fitts, Fletcher, Flood, Gerzofsky, Glynn, Goldman, Greeley, Grose, Hall, Hamper, Hanley B, Hanley S, Hogan, Hutton, Jacobsen, Jennings, Jodrey, Kaelin, Koffman, Lansley, Lerman, Lewin, Lindell, Lundeen, Makas, Marean, Marley, Marraché, Mazurek, McCormick, McFadden, McKane, McKenney, McLeod, Merrill, Miller, Millett, Mills, Moulton, Muse, Nass, Norton, Nutting, O'Brien, Ott, Percy, Perry, Pilon, Pingree, Piotti, Plummer, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Sampson, Seavey, Shields, Simpson, Smith N, Smith W, Sykes, Tardy, Thompson, Trahan, Twomey, Valentino, Walcott, Watson, Webster, Woodbury, Mr. Speaker.

ABSENT - Berube, Dugay, Emery, Fisher, Hotham, Moore G, Schatz, Stedman.

Yes, 21; No, 122; Absent, 8; Excused, 0.

21 having voted in the affirmative and 122 voted in the negative, with 8 being absent, and accordingly **House Amendment "B" (H-1001) to Committee Amendment "A" (H-991) FAILED ADOPTION.**

Representative **TRAHAN** of Waldoboro **PRESENTED** **House Amendment "A" (H-1000) to Committee Amendment "A" (H-991)**, which was **READ** by the Clerk.

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'd like to tell you, just briefly, what this amendment does. After this transaction has been completed, there's about \$3 million that was intended to be

used to purchase new lots to replace the public lots that were sold to the Gardiners. What this amendment would do is insure that the valuable habitat that was lost in that sale, or was lost to the State of Maine, would be replaced with similar conservation value habitat and wildlife value. Also, it would insure that the \$3 million go to the Land for Maine's Future program. The Land for Maine's Future program has a long track record of success in securing partials of land for the State of Maine. They have a mechanism that has proven to have an outreach value to secure matching dollars. This amendment is an attempt to utilize the existing structure that we have for purchasing property. Also, to utilize matching dollars in the value of Land for Maine's Future experience. Thank you.

The SPEAKER: The Chair recognizes the Representative from Unity, Representative Piotti.

Representative PIOTTI: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this motion. As you all heard last night, the committee worked very hard to make sure that the public lots, in particular that are part of this deal, will be protected with the deer habitat areas and the sustainable harvesting of the wood. This amendment really helps assure, on the flip side of that, that the money that's generated here will go toward other lands that can replicate some of what was in those public lots. I think it's a good addition and I urge you to support it.

Representative CHURCHILL of Washburn moved that **House Amendment "A" (H-1000) to Committee Amendment "A" (H-991) be INDEFINITELY POSTPONED.**

Representative FISCHER of Presque Isle REQUESTED a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-1000) to Committee Amendment "A" (H-991).**

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, is this an appropriate time for me to pose a question as to the amendment's impact on the original bill?

The SPEAKER: The Representative may proceed.

Representative BABBIDGE: My question is, if the \$3 million were to be allocated to Land for Maine's Future, would the stipulation that those monies be spent in Franklin, Aroostook and Washington Counties be honored?

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. This honors the portion of property in Penobscot County that's being purchased. It doesn't affect that at all. All it does, is it deals with the money that's left over to purchase lots. It has nothing to do with the original arrangement. I'd like to tell this chamber that I've run this amendment by the Commissioner, who has approved it, the Deputy Commissioner has approved it, the Chairs of the committee have approved it and committee members that I've spoken with have all said that they approve it as well. I saw this as a friendly amendment. I hoped that we wouldn't get into a lengthy debate. I hope that the chamber will support the amendment. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative KAELIN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Not being very familiar with upland issues, I'm wondering what the substantive effect of having these \$3 million go to LMF versus going to Conservation would be. Thank you.

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

Representative TRAHAN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think the substantive effect of having this go to Land for Maine's Future is that this \$3 million may be spread further than just purchasing 6,000 acres, hopefully, and Land for Maine's Future has been successful in the past in putting deals together that will attract significant match, in some cases between \$8 and \$10 for every one that the state puts in. We could see a significant improvement in the ability to purchase important habitat for both deer and wildlife as well. I think it could have a very positive effect.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-1000) to Committee Amendment "A" (H-991). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 496

YEA - Blanchette, Churchill, Gerzofsky, Hanley S, Jodrey, Joy, Marean, Paradis, Richardson M, Sherman, Sykes, Vaughan.

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

ABSENT - Barstow, Berube, Dugay, Emery, Hotham, Moore G, Schatz, Stedman.

Yes, 12; No, 131; Absent, 8; Excused, 0.

12 having voted in the affirmative and 131 voted in the negative, with 8 being absent, and accordingly the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-1000) to Committee Amendment "A" (H-991) FAILED.**

Subsequently, **House Amendment "A" (H-1000) to Committee Amendment "A" (H-991) was ADOPTED.**

Committee Amendment "A" (H-991) as Amended by House Amendment "A" (H-1000) thereto was ADOPTED.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-991) as Amended by House Amendment "A" (H-1000) thereto and sent for concurrence. ORDERED SENT FORTHWITH.**

ENACTORS

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Create a Property Tax Exemption for Lobster Traps (S.P. 656) (L.D. 1739) (C. "A" S-552)

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

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

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

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

Representative DUDLEY: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I do want to point out why I will be opposing final passage. This is a Constitutional amendment, an amendment to the Constitution of the State of Maine to create an exemption from the property tax for lobster traps. It happens to be the case that lobster traps are reimbursable equipment under the BETR program. There's already an opportunity for lobstermen to receive reimbursement. I certainly, for one, think that amending our founding document, for this purpose, is perhaps a little too excessive for the need. Thank you.

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. I just wanted to echo the comments of the Representative from Portland, Representative Dudley. I too believe that amending the Constitution to allow for this exemption is beyond what we should be doing. Thank you Mr. Speaker.

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. This is not the only exemption for property that's in the Constitution, so, it's not a major departure from what we've done in the past. One of the differences with lobster traps is that they do not have a very long life. Most of them get replaced quite frequently because they're either stolen or get lost at sea. I would ask you to support Final Passage of this bill. Thank you.

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

This being a Constitutional Amendment, a two-thirds vote of the House being necessary, a total was taken.

ROLL CALL NO. 497

YEA - Adams, Annis, Austin, Beaudette, Bierman, Bishop, Bowen, Brown R, Browne W, Bryant-Deschenes, Burns, Campbell, Carr, Cebra, Clough, Collins, Cressey, Crosthwaite, Curley, Curtis, Davis K, Driscoll, Duprey, Eberle, Emery, Fischer, Fletcher, Glynn, Greeley, Hamper, Hanley B, Jacobsen, Kaelin, Koffman, Lansley, Lewin, Lindell, Marean, Marley, Mazurek, McFadden, McKane, McKenney, McLeod, Merrill, Miller, Millett, Moulton, Muse, Nass, Ott, Paradis, Percy, Perry, Pilon, Pingree, Pinkham, Plummer, Rector, Richardson M, Richardson W, Rosen, Saviello, Seavey, Smith W, Sykes, Tardy, Trahan, Tuttle, Valentino, Vaughan, Webster, Wheeler, Mr. Speaker.

NAY - Ash, Babbidge, Blanchard, Blanchette, Bliss, Bowles, Brannigan, Brautigam, Bryant, Cain, Canavan, Churchill, Clark, Craven, Crosby, Cummings, Daigle, Davis G, Duchesne, Dudley, Dunn, Duplessie, Eder, Edgecomb, Faircloth, Farrington, Finch,

Fisher, Fitts, Flood, Gerzofsky, Goldman, Grose, Hall, Hanley S, Harlow, Hogan, Hutton, Jackson, Jennings, Jodrey, Joy, Lerman, Lundeen, Makas, Marraché, McCormick, Mills, Moody, Norton, Nutting, O'Brien, Patrick, Pineau, Piotti, Richardson D, Richardson E, Rines, Robinson, Sampson, Sherman, Shields, Simpson, Smith N, Thomas, Thompson, Twomey, Walcott, Watson, Woodbury.

ABSENT - Barstow, Berube, Dugay, Hotham, Moore G, Schatz, Stedman.

Yes, 74; No, 70; Absent, 7; Excused, 0.

74 having voted in the affirmative and 70 voted in the negative, with 7 being absent, and accordingly the Resolution **FAILED FINAL PASSAGE**. Sent for concurrence.

Acts

An Act To Clarify the Laws Governing Agricultural Composting Operations

(S.P. 381) (L.D. 1064)
(C. "B" S-563)

An Act Relating to Secondary School Construction Projects

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

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 Improve Retention, Quality and Benefits for Direct Care Health Workers

(S.P. 735) (L.D. 1934)
(C. "A" S-568)

Resolve, To Improve Quality and Access to Mental Health Care Through the Development of a Joint Strategic Plan

(S.P. 760) (L.D. 1973)
(C. "A" S-569)

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

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

UNFINISHED BUSINESS

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

Bill "An Act To Implement the Recommendations of the ATV Trail Advisory Council"

(H.P. 1453) (L.D. 2057)

- In House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-947) on April 6, 2006.

- In Senate, **PASSED TO BE ENGROSSED IN NON-CONCURRENCE**.

TABLED - April 11, 2006 (Till Later Today) by Representative WATSON of Bath.

PENDING - Motion of same Representative to **INSIST**.

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

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-585)** on Bill "An Act To Improve Early Childhood Special Education" (EMERGENCY) (S.P. 689) (L.D. 1772)

Signed:

Senators:

MITCHELL of Kennebec
SCHNEIDER of Penobscot
TURNER of Cumberland

Representatives:

DAVIS of Falmouth
FINCH of Fairfield
EDGEComb of Caribou
NORTON of Bangor
GOLDMAN of Cape Elizabeth
MAKAS of Lewiston
LANSLEY of Sabattus
CAIN of Orono

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

Signed:

Representatives:

STEDMAN of Hartland
MERRILL of Appleton

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-585)**.

READ.

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

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

Representative **KAELIN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This issue still is not fully resolved in the county that I live in and represent. For that reason, Mr. Speaker, I request a roll call.

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

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

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

ROLL CALL NO. 498

YEA - Adams, Annis, Austin, Babbidge, Beaudette, 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, Dunn, Duplessie, Duprey, Eberle, Eder, Edgecomb, 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,

Lerman, Lewin, Lundeen, Makas, Marean, Marley, Marraché, McCormick, McFadden, McKenney, McLeod, Miller, Millett, Mills, Moody, Moulton, Muse, Nass, Norton, Nutting, O'Brien, Ott, Paradis, Patrick, Percy, Perry, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Rector, Richardson D, Richardson E, Richardson M, Richardson W, Rines, Robinson, Rosen, Sampson, Saviello, Seavey, Sherman, Shields, Simpson, Smith N, Smith W, Sykes, Tardy, Thompson, Trahan, Tuttle, Valentino, Vaughan, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Ash, Emery, Kaelin, Lindell, Mazurek, McKane, Merrill, Thomas, Twomey.

ABSENT - Barstow, Berube, Dugay, Hotham, Moore G, Schatz, Stedman.

Yes, 135; No, 9; Absent, 7; Excused, 0.

135 having voted in the affirmative and 9 voted in the negative, with 7 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-585)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, April 13, 2006.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1009)** on Bill "An Act To Strengthen the Collection of the Tax on Tobacco Products"

(H.P. 1485) (L.D. 2093)

Signed:

Senators:

PERRY of Penobscot
STRIMLING of Cumberland

Representatives:

HANLEY of Paris
CLARK of Millinocket
McCORMICK of West Gardiner
WOODBURY of Yarmouth
CLOUGH of Scarborough
PINEAU of Jay
HUTTON of Bowdoinham
SEAVEY of Kennebunkport
WATSON of Bath

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

Signed:

Senator:

COURTNEY of York

Representative:

BIERMAN of Sorrento

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-1009)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, April 13, 2006.

ENACTORS

Acts

An Act To Protect Victims of Domestic Violence

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

(C. "A" S-525)

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

On motion of Representative MILLS of Farmington, was **SET ASIDE**.

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-525)** was **ADOPTED**.

The same Representative moved that the House **RECONSIDER** its action whereby **House Amendment "B" (H-990)** to **Committee Amendment "A" (S-525)** **FAILED ADOPTION**.

Representative BLANCHETTE of Bangor moved to **TABLE** until later in today's session pending the motion of Representative Mills of Farmington to **RECONSIDER** whereby **House Amendment "B" (H-990)** to **Committee Amendment "A" (S-525)** **FAILED ADOPTION**.

Subsequently, the same Representative **WITHDREW** her motion to **TABLE** pending the motion of Representative Mills of Farmington to **RECONSIDER** whereby **House Amendment "B" (H-990)** to **Committee Amendment "A" (S-525)** **FAILED ADOPTION**.

The House **RECONSIDERED** its action whereby **House Amendment "B" (H-990)** to **Committee Amendment "A" (S-525)** **FAILED ADOPTION**.

On further motion of the same Representative, **TABLED** pending **ADOPTION** of **House Amendment "B" (H-990)** to **Committee Amendment "A" (S-525)** and later today assigned.

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

On motion of Representative MCKENNEY of Cumberland, the House adjourned at 3:05 p.m., until 9:00 a.m., Thursday, April 13, 2006 in honor and lasting tribute to Brian C. Thayer, of Cumberland.