

MAINE STATE LEGISLATURE

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

Volume I

First Regular Session

December 6, 2006 - June 5, 2007

Pages 1-681

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
FIRST REGULAR SESSION
35th Legislative Day
Wednesday, May 2, 2007

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

Prayer by Reverend Paul D. Basham, Chair, Augusta Clergy Association.

National Anthem by Gary Crocker, West Gardiner.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

SENATE PAPERS

The following Joint Resolution: (S.P. 661)

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO EXEMPT SCHOOL ADMINISTRATIVE UNITS FROM THE FEDERAL NO CHILD LEFT BEHIND ACT OF 2001 WHEN STUDENT ATTENDANCE FALLS BELOW THE STATE TARGET DUE TO EXCESSIVE STUDENT ABSENTEEISM

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

WHEREAS, the No Child Left Behind Act of 2001, Public Law 107-110, commonly known as "NCLB," is a federal law that reauthorizes a number of federal programs that aim to improve the performance of primary and secondary schools; and

WHEREAS, NCLB increases the standards of accountability for states, school districts and schools, and it has specific guidelines to reach the certain expectations and goals, which include having a requirement of schools to have a 95% rate of student attendance; and

WHEREAS, the intent of requiring a 95% attendance rate is to ensure that low-achieving students are not excluded from testing, but the problem with a 95% rate is that it is not a reasonable threshold with which to measure the average daily attendance rate in most schools in the United States and in the State of Maine; and

WHEREAS, the 95% attendance rate is an arbitrary figure that should be changed to a more realistic target that is based upon national or state attendance averages as recorded by school administrative units, since the rate does not reflect whether the absent students composing the remaining 5% are truants or students with excused absences; and

WHEREAS, most student absenteeism in the State of Maine is not due to truancy, but is actually due to excused absences as defined by Maine law; yet the excused absences, valid under Maine law, put our schools at risk of noncompliance with NCLB; now, therefore, be it

RESOLVED: That We, your Memorialists, on behalf of the people we represent, take this opportunity to request that the No Child Left Behind Act of 2001 be amended to require that the rate of attendance in a school administrative unit be measured by an accurate count and that the percentage of the rate of attendance of a school should reflect only unexcused absences; and be it further

RESOLVED: That official copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, Margaret Spellings, United States Secretary of Education, the Speaker of the House of Representatives of the United States,

the President of the Senate of the United States and each member of the Maine Congressional Delegation.

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

READ and **ADOPTED** in concurrence.

Bill "An Act To Improve Transparency and Accountability in Government"

(S.P. 684) (L.D. 1881)

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

REFERRED to the Committee on **JUDICIARY** in concurrence.

Bill "An Act To Clarify Certain Provisions in the Harness Racing Statutes"

(S.P. 685) (L.D. 1882)

Came from the Senate, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

REFERRED to the Committee on **LEGAL AND VETERANS AFFAIRS** in concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 229)

STATE OF MAINE

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

April 30, 2007

Honorable Beth Edmonds, President of the Senate

Honorable Glenn Cummings, Speaker of the House

123rd Maine Legislature

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

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 bills out "Ought Not to Pass":

L.D. 550 An Act To Allow the Independent Practice of Dental Hygiene

L.D. 553 An Act To Allow for Corporate Ownership of Dental Practices

L.D. 794 An Act To Provide Representation by a Mechanic or Installer on the Manufactured Housing Board

L.D. 944 An Act To Reduce Regulatory Costs for Maine Businesses

L.D. 1077 An Act To Create a Seasonal Vendor Sales Tax Revolving Loan Fund

L.D. 1246 Resolve, To Improve Oral Health for Children

L.D. 1278 An Act To Require Licensing for Certain Mechanical Trades

L.D. 1352 An Act To Amend the Laws Governing the Maine State Housing Authority

L.D. 1471 An Act To Ensure That Publicly Funded Programs Do Not Jeopardize Existing Industry

L.D. 1472 An Act To Provide for the Regulation of Denturists by the Board of Complementary Health Care Providers

L.D. 1730 An Act To Protect Citizens from Identity Theft through Restriction of the Disclosure of Confidential Information

We have also notified the sponsors and cosponsors of each bill listed 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. 230)

STATE OF MAINE

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

April 30, 2007

Honorable Beth Edmonds, President of the Senate

Honorable Glenn Cummings, Speaker of the House

123rd Maine Legislature

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 272 An Act To Create Charter Programs within Existing Schools

L.D. 453 An Act To Enhance the Choices for Children and Parents from Areas without Public Secondary Schools

L.D. 1254 An Act To Modify the Student Code of Conduct

L.D. 1480 An Act To Provide an Income Tax Credit for Donations to Maine Public Schools

L.D. 1591 An Act To Provide Educational Opportunities for Dependents of Maine Military Personnel

L.D. 1634 An Act To Reduce School Construction Costs

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

Sincerely,

S/Sen. Peter B. Bowman

Senate Chair

S/Rep. Jacqueline Norton

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 231)

STATE OF MAINE

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

May 1, 2007

Honorable Beth Edmonds, President of the Senate

Honorable Glenn Cummings, Speaker of the House

123rd Maine Legislature

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Health and Human Services has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 12 An Act To Establish a Residency Requirement for MaineCare Recipients

L.D. 28 An Act To Establish a Statewide Residency Requirement for General Assistance

L.D. 1162 An Act To Remove Disparities in the Administration of Emergency Aid

L.D. 1209 An Act To License Weekly Housing Programs BY REQUEST

L.D. 1252 An Act To Amend State Funding Reimbursement under the General Assistance Program

L.D. 1451 An Act To Promote the Health and Safety of Maine Consumers

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

Sincerely,

S/Sen. Joseph C. Brannigan

Senate Chair

S/Rep. Anne C. Perry

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 232)

STATE OF MAINE

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

April 30, 2007

Honorable Beth Edmonds, President of the Senate

Honorable Glenn Cummings, Speaker of the House

123rd Maine Legislature

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 102 An Act To Amend the Laws Governing Mechanics Liens

L.D. 1231 An Act To Serve the Best Interests of Children in Divorce

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

Sincerely,

S/Sen. Barry J. Hobbins

Senate Chair

S/Rep. Deborah Simpson

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 233)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON LABOR**

April 30, 2007

Honorable Beth Edmonds, President of the Senate

Honorable Glenn Cummings, Speaker of the House

123rd Maine Legislature

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Labor has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1545 An Act To Protect Workers from Political or Religious Intimidation
- L.D. 1593 An Act To Require the Consent of Union Members To Have Dues Used for Political Purposes

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

Sincerely,
S/Sen. Ethan Strimling
Senate Chair
S/Rep. John L. Tuttle, Jr.
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 234)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON NATURAL RESOURCES**

May 1, 2007
Honorable Beth Edmonds, President of the Senate
Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Natural Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 107 Resolve, To Address State Leadership in Climate Engineering
- L.D. 258 An Act To Amend the Laws Governing Setbacks under the Natural Resource Protection Laws
- L.D. 326 An Act To Enhance Implementation of the Significant Wildlife Habitat Rules (EMERGENCY)
- L.D. 1014 An Act To Ensure Reasonable and Equitable Land Use Opportunities near Shorebird, Wading Bird and Waterfowl Habitat (EMERGENCY)
- L.D. 1311 An Act To Fight Global Warming Effects in the State
- L.D. 1319 An Act Relating to Previously Approved Small Coastal Subdivisions
- L.D. 1430 An Act To Compensate Property Owners for Property Designated as a Significant Wildlife Habitat

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

Sincerely,
S/Sen. John L. Martin
Senate Chair
S/Rep. Theodore S. Koffman
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 235)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE**

COMMITTEE ON TAXATION

April 30, 2007

Honorable Beth Edmonds, President of the Senate
Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 171 An Act To Establish a Voluntary Tax Account
- L.D. 260 An Act To Provide an Income Tax Deduction for Teachers To Account for the Purchase of Supplies
- L.D. 1069 An Act To Provide a Property Tax Exemption for Nonprofit Technology Centers (EMERGENCY)
- L.D. 1461 An Act To Allow a Tax Credit for Tuition Paid to Private Schools
- L.D. 1529 An Act To Create a Scholarship Grant Organization Tax Credit
- L.D. 1597 An Act Regarding the Service Provider Tax

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

Sincerely,
S/Sen. Joseph C. Perry
Senate Chair
S/Rep. John F. Piotti
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 236)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON UTILITIES AND ENERGY**

April 30, 2007

Honorable Beth Edmonds, President of the Senate
Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Utilities and Energy has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 230 An Act To Clarify the Scope of Conservation Programs with Respect to Electricity Use

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

Sincerely,
S/Sen. Philip L. Bartlett II
Senate Chair
S/Rep. Lawrence Bliss
House Chair

READ and ORDERED PLACED ON FILE.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Assess Childhood Obesity Trends in Maine"
(H.P. 1320) (L.D. 1886)

Sponsored by Representative CAIN of Orono.

Cosponsored by Senator MITCHELL of Kennebec and Representatives: CRAVEN of Lewiston, FAIRCLOTH of Bangor, HARLOW of Portland, MILLER of Somerville, STRANG BURGESS of Cumberland.

Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and ordered printed.

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

Sent for concurrence.

Pursuant to Joint Order

Joint Standing Committee on State and Local Government

Representative BARSTOW for the **Joint Standing Committee on State and Local Government** pursuant to Joint Order 2006, H.P. 1255 asks leave to report that the accompanying Bill "An Act To Repeal Inactive Boards and Commissions"

(H.P. 1319) (L.D. 1885)

Be **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the members of the Lewiston Maineiacs, the only United States-based member of the Quebec Major Junior Hockey League, as they near the end of their incredible and inspiring fourth season: players Jonathan Bernier, Michael Ward, Chad Denny, Tom Michalik, Simon Courcelles, Marc-Andre Cliche, Stefano Giliati, Marc-Andre Crete, Marc-Andre Daneau, Jakub Bundil, Dave Taylor, Chris Tutalo, Eric Castonguay, Peter Delmas, Stefan Chaput, David Perron, Kevin Marshall, Danick Hudon-Paquette, Patrick Cusack, Sebastien Piche, Pierre-Luc Faubert, Michal Korenko and Triston Manson; head coach and general manager Clem Jodoin; assistant coaches Ed Harding, Jeff Guay and Dan Bouchard; athletic trainer Tom Bourdon; trainer's assistant Kyle Kyllonen; assistant equipment manager Jamey Bourgojn; and the rest of the Maineiacs staff and family. We are extremely proud of our home team for bringing championship professional hockey to Lewiston. We commend the players, their coaches and the Maineiacs management for their many positive contributions to our community, both on and off the ice, and we look forward to many more seasons with them;

(HLS 357)

Presented by Representative MAKAS of Lewiston. Cosponsored by Senator ROTUNDO of Androscoggin, Representative SAMSON of Auburn, Representative WALCOTT of Lewiston, Representative WAGNER of Lewiston, Representative CRAVEN of Lewiston, Representative BERUBE of Lisbon, Representative CEBRA of Naples.

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

READ.

The **SPEAKER**: The Chair recognizes the Representative from Lewiston, Representative Makas.

Representative **MAKAS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The Maineiacs are not here today to accept this sentiment, but I did want to add something to the sentiment that is not in there, and it is not name, the pronunciation of all of the names. I wanted to tell you that the reason that the Maineiacs are not here today, is that they are practicing for the opening game of the finals to the Presidents Cup, which will be on Friday of this week.

The Maineiacs, I did not add this because I am superstitious and I did not want to jinx them in the sentiment, the Maineiacs ended their regular season number one in the league, and so far in the three best of seven series that they have played—the first round, the quarter finals, and the semi-finals—our team has won 12 games and lost only 1. They are red hot, so when they open the game on Friday night against, I am not sure which team they are even playing because the other one went to four games in the best of seven series. Even though they are not here today, I hope that you will join me in congratulating the Maineiacs for their incredible season thus far, wishing them luck in their quest for the Presidents Cup, and joining us all when they start next year's season. Thank you.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Amend the Laws Governing Cases Involving the Plea or Finding of Not Criminally Responsible by Reason of Insanity"

(S.P. 65) (L.D. 182)

Signed:

Senators:

DIAMOND of Cumberland

McCORMICK of Kennebec

Representatives:

GERZOFISKY of Brunswick

BLANCHETTE of Bangor

GREELEY of Levant

HILL of York

HANLEY of Gardiner

TIBBETTS of Columbia

KAENRATH of South Portland

SYKES of Harrison

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-53)** on same Bill.

Signed:

Senator:

SHERMAN of Aroostook

Representative:

PLUMMER of Windham

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

On motion of Representative BLANCHETTE of Bangor, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Provide State Funding for Fingerprinting of Educational Personnel"

(S.P. 34) (L.D. 90)

Signed:

Senators:

BOWMAN of York
MITCHELL of Kennebec
MILLS of Somerset

Representatives:

NORTON of Bangor
FINCH of Fairfield
MAKAS of Lewiston
FARRINGTON of Gorham
HARLOW of Portland
SUTHERLAND of Chapman
McFADDEN of Dennysville
MUSE of Fryeburg
STRANG BURGESS of Cumberland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-64)** on same Bill.

Signed:

Representative:

EDGECOMB of Caribou

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

On motion of Representative NORTON of Bangor, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Reform Maine's School Funding"

(S.P. 529) (L.D. 1506)

Signed:

Senators:

BOWMAN of York
MITCHELL of Kennebec
MILLS of Somerset

Representatives:

NORTON of Bangor
FINCH of Fairfield
MAKAS of Lewiston
FARRINGTON of Gorham
HARLOW of Portland
SUTHERLAND of Chapman
STRANG BURGESS of Cumberland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-65)** on same Bill.

Signed:

Representatives:

EDGECOMB of Caribou
McFADDEN of Dennysville

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

On motion of Representative NORTON of Bangor, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Prohibit a Person from Serving as Both Municipal Tax Collector and Treasurer"

(S.P. 374) (L.D. 1122)

Signed:

Senators:

SCHNEIDER of Penobscot
BRANNIGAN of Cumberland

Representatives:

BARSTOW of Gorham
BOLAND of Sanford
BEAUDETTE of Biddeford
SIROIS of Turner
CURTIS of Madison
HAYES of Buckfield
COTTA of China
SCHATZ of Blue Hill

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-66)** on same Bill.

Signed:

Senator:

BENOIT of Sagadahoc

Representatives:

WEAVER of York
JOY of Crystal

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

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

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-142)** on Bill "An Act To Establish a Labor Center within the University of Maine System"

(H.P. 115) (L.D. 123)

Signed:

Senators:

BOWMAN of York
MITCHELL of Kennebec

Representatives:

NORTON of Bangor

MAKAS of Lewiston
FARRINGTON of Gorham
HARLOW of Portland
McFADDEN of Dennysville

(H.P. 684) (L.D. 909)

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

Signed:
Senator:
MILLS of Somerset

Representatives:
FINCH of Fairfield
SUTHERLAND of Chapman
EDGECOMB of Caribou
MUSE of Fryeburg
STRANG BURGESS of Cumberland

READ.

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

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Require That Public Schools Start after Labor Day" (H.P. 367) (L.D. 483)

Signed:
Representatives:
NORTON of Bangor
FINCH of Fairfield
MAKAS of Lewiston
FARRINGTON of Gorham
HARLOW of Portland
SUTHERLAND of Chapman
EDGECOMB of Caribou
McFADDEN of Dennysville

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-145)** on same Bill.

Signed:
Senators:
BOWMAN of York
MITCHELL of Kennebec
MILLS of Somerset

Representatives:
MUSE of Fryeburg
STRANG BURGESS of Cumberland

READ.

Representative NORTON of Bangor moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-146)** on Bill "An Act To Support Central Maine Community College"

Signed:
Senators:
BOWMAN of York
MITCHELL of Kennebec

Representatives:
NORTON of Bangor
FINCH of Fairfield
MAKAS of Lewiston
FARRINGTON of Gorham
HARLOW of Portland
EDGECOMB of Caribou
McFADDEN of Dennysville
MUSE of Fryeburg

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

Signed:
Senator:
MILLS of Somerset

Representatives:
SUTHERLAND of Chapman
STRANG BURGESS of Cumberland

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-146)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 3, 2007.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Promote Legal Services in Rural Maine" (H.P. 704) (L.D. 929)

Signed:
Senators:
BOWMAN of York
MITCHELL of Kennebec
MILLS of Somerset

Representatives:
NORTON of Bangor
FINCH of Fairfield
MAKAS of Lewiston
FARRINGTON of Gorham
HARLOW of Portland
SUTHERLAND of Chapman
MUSE of Fryeburg
STRANG BURGESS of Cumberland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-147)** on same Bill.

Signed:
Representatives:
EDGECOMB of Caribou
McFADDEN of Dennysville

READ.

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

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-162)** on Bill "An Act To Equalize MaineCare Reimbursements to Hospitals"

(H.P. 499) (L.D. 650)

Signed:

Senator:

RAYE of Washington

Representatives:

PERRY of Calais

GROSE of Woolwich

MILLER of Somerville

BEAUDOIN of Biddeford

CONNOR of Kennebunk

WALKER of Lincolnville

LEWIN of Eliot

FINLEY of Skowhegan

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

Signed:

Senator:

BRANNIGAN of Cumberland

Representatives:

WALCOTT of Lewiston

CAMPBELL of Newfield

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-162)** Report.

READ.

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

Representative WALCOTT of Lewiston **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 Lewiston, Representative Walcott.

Representative **WALCOTT**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I will be very brief on this bill. You can see from the Report that I am on the Minority Report.

What this bill basically does, to be very brief, is that it tinkers with the settlements that we have made with the hospital. Even Mary Mayhew from the Maine Hospital Association says she does not believe this bill is necessary. So, I would ask that you vote against the current motion, mostly because I do not think that we need to pass this bill. I do not think that we need to tinker with the hospital settlements the way they are currently. So thank you.

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

Representative **PERRY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill does not go against the hospital settlement. When we heard from DHHS

that they are, it is really about paying their earlier payments first, before moving on past 2003. If you look at the fiscal note with this, there is very little impact because this is already planned. This is just an added insurance that we will follow through on this. I ask that you vote for this.

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. 41

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchette, Bliss, Boland, Brautigam, Browne W, Bryant, Burns, Cain, Carter, Casavant, Cebra, Chase, Clark, Cleary, Cotta, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Duprey, Eaton, Eberle, Edgecomb, Emery, Faircloth, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Gould, Greeley, Grose, Hamper, Hanley S, Haskell, Hayes, Hill, Hinck, Hogan, Hotham, Jackson, Jacobsen, Joy, Kaenrath, Knight, Koffman, Lewin, Lundeen, MacDonald, Marean, Mazurek, McDonough, McFadden, McKane, McLeod, Miller, Millett, Mills, Miramant, Muse, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rand, Rector, Richardson D, Richardson E, Richardson W, Rines, Robinson, Rosen, Samson, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Treat, Trinward, Tuttle, Valentino, Vaughan, Walker, Watson, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Campbell, Canavan, Craven, Harlow, Makas, Wagner, Walcott.

ABSENT - Barstow, Blanchard, Connor, Conover, Cressey, Dunn, Farrington, Lansley, Marley, Moore, Pineau, Sykes.

Yes, 131; No, 7; Absent, 12; Vacant, 1; Excused, 0.

131 having voted in the affirmative and 7 voted in the negative, 1 vacancy with 12 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-162)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 3, 2007.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-140)** on Bill "An Act To Set Standards for Interviewing Children Who Are Subjects of a Child Protective Intervention"

(H.P. 1051) (L.D. 1501)

Signed:

Senators:

BRANNIGAN of Cumberland

MARRACHÉ of Kennebec

RAYE of Washington

Representatives:

PERRY of Calais

WALCOTT of Lewiston

GROSE of Woolwich

MILLER of Somerville

BEAUDOIN of Biddeford

CONNOR of Kennebunk

CAMPBELL of Newfield

LEWIN of Eliot

FINLEY of Skowhegan

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

Signed:

Representative:

WALKER of Lincolnville

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-140)** Report.

READ.

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

Representative WALKER of Lincolnville **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 Lincolnville, Representative Walker.

Representative **WALKER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a Divided Report. Once in awhile though, I think in a legislator's career, you have to stand up for principle. I am standing up for principle today and I am going to ask you to join me to Ought Not to Pass.

This bill has to do with Health and Human Services. This is a Department that we are all very fond of, we all know that they do very good work, they spend an awful lot of money, but this specifically has to do when they send an investigator into a school. There has been a complaint and an investigator is sent into the school for the investigation. Right now, that investigator usually talks to the principal, talks to the guidance councilor, talks to a favorite teacher, talks to somebody who is in the know who knows something about the student being investigated and saying, listen I am here to do an investigation, how is the best way to approach this?

What this bill does is give HHS absolute and complete power to kick anybody and everybody out of that interview process. When the investigator goes in with the student to do the investigation, if HHS wants to say sorry everybody out of the room, they cannot do that now. If you vote for this bill, they will be able to do that. It is this leap that I cannot make, giving a bureaucracy, even though it is a good bureaucracy, it is our bureaucracy, it is HHS, but we should not be giving a bureaucracy absolute, complete, and total power. This is the arm of big government. I ask you today not to be the big Legislature. Let's try to not jump off this cliff. I ask you to vote red today, vote Ought Not to Pass. A lot of HHS investigators do good work, I cannot say that they all do fantastic work, let's just not make this leap. Join me today in voting Ought Not to Pass—that is pressing red on this vote. Thank you, Mr. Speaker.

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

Representative **PERRY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. If this bill allows or it requires that if a caseworker wants to speak with a child in school that the school department must cooperate with the caseworker. We added an amendment and I am going to read this. The amendment requires that the department caseworker discuss a child's circumstances with the school officials if necessary for the provision of emotional support to the child prior to and following the child's protective intervention interview. It also adds the words "guardian" to the provision of the bill that

prohibits school officials from requiring notice or consent from a parent. The reason, many times for an interview within the school system, is the ability for the caseworker to speak with the child without the parent or guardian as the issue may be the abuse of that responsible person.

What we have added is some guidelines for the caseworker to ensure that this child, because the interview may be difficult, has some emotional support within the school system, but requires that school system to cooperate for the opportunity that this interview does take forward. So I think we have created safeguards for the child and I ask that you vote Ought to Pass on this.

The SPEAKER: The Chair recognizes the Representative from Eliot, Representative Lewin.

Representative **LEWIN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am going to change my vote and I am going to support Dr. Walker on this because I have given it a lot of thought and I think he is absolutely right.

Initially I had a level of comfort with this bill because the interviews are all taped. I thought a lot about that and having taped it does not mean it is going to go well for that poor kiddo that is sitting there with a problem. I have had some experience in a district in my area, where a child was accused of something and the school officials, who were not supposed to talk, could not wait to talk all over the place. The day after the incident, which was a very, very serious thing, it was all over the school. It came all over the school from the school officials who were informed and that is very alarming to me.

So, I had a concern and spoke about that in Committee at some length, about who should know that a child is being spoken to or interviewed, and who should not. I still have that real serious concern. It is not appropriate for anything from an interview from DHHS, in my view, to go on that child's school record—that is a real concern to me too. So, I have rethought it and I am going to be voting with my good lead, Representative Dr. Walker, and I hope most of you will do the same.

Representative MILLER of Somerville **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 Lincolnville, Representative Walker.

Representative **WALKER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just to let the House know, this amendment does not really change anything. The investigator can walk in there and kick everybody out. All the amendment says is that they have to talk to them. Well, they are talking to them now, but I think a principal, a guidance councilor, a favorite teacher, somebody should be in there or at least aware of what is going on, and they should not be kicked out when the investigator goes in to do the interview for HHS. Thank you, Mr. Speaker.

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

Representative **FINLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We really debated this at length and I have struggled with it. One of the things that I do want to assure you of is that the worker who goes in, and probably 95 percent of the cases do invite someone from the school system to be in there with he or she, it does not prevent anyone from the school from coming in. You can have, perhaps, a DHS worker that maybe is not as skilled at interviewing someone as we would like them to be. You could also have a teacher who lives in a small community, who might

not necessarily be the best person to be in there. So it could go either way.

Often times, I think it has been found that a child can be more apt to share what has happened with a stranger, someone that they are not going to feel as embarrassed with. The other side of that is they also might be more comfortable with someone that they know that is an advocate. But I think in most cases, when the child has confided in someone in the school system and it is that person who has made the referral, then the person that makes the referral is in the room. It is not an easy decision.

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. 42

YEA - Adams, Babbidge, Beaudette, Beaudoin, Berry, Blanchette, Bliss, Brautigam, Bryant, Cain, Campbell, Canavan, Carter, Casavant, Clark, Cleary, Craven, Crockett, Dill, Driscoll, Duchesne, Eaton, Eberle, Faircloth, Finch, Finley, Fischer, Fisher, Gerzofsky, Grose, Harlow, Haskell, Hayes, Hinck, Hogan, Jackson, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Mazurek, Miller, Mills, Miramant, Norton, Patrick, Pendleton, Peoples, Perry, Pieh, Pilon, Pingree, Piotti, Pratt, Priest, Rand, Rines, Samson, Schatz, Silsby, Simpson, Smith N, Sutherland, Theriault, Treat, Tuttle, Valentino, Wagner, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Beaulieu, Berube, Boland, Browne W, Burns, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Duprey, Edgecomb, Emery, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Hamper, Hanley S, Hill, Hotham, Jacobsen, Joy, Knight, Lewin, Marean, McDonough, McFadden, McKane, McLeod, Millett, Muse, Nass, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Savage, Saviello, Sirois, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Vaughan, Walker, Weaver, Weddell.

ABSENT - Barstow, Blanchard, Connor, Conover, Cressey, Dunn, Farrington, Lansley, Marley, Moore, Percy, Pineau, Richardson E, Trinward.

Yes, 75; No, 61; Absent, 14; Vacant, 1; Excused, 0.

75 having voted in the affirmative and 61 voted in the negative, 1 vacancy with 14 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-140)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Thursday, May 3, 2007.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-159)** on Bill "An Act To Require Alien Big Game Hunters To Be Accompanied by a Guide"

(H.P. 90) (L.D. 98)

Signed:

Senators:

BRYANT of Oxford
PERRY of Penobscot
GOOLEY of Franklin

Representatives:

JACKSON of Allagash
SAVIELLO of Wilton
FINCH of Fairfield
EBERLE of South Portland

WHEELER of Kittery
LUNDEEN of Mars Hill
BRYANT of Windham

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

Signed:

Representatives:

RICHARDSON of Carmel
McLEOD of Lee

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-159)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Thursday, May 3, 2007.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-149)** on Bill "An Act To Clarify That Senior Lifetime Hunting Licenses Include the Right To Hunt Turkey"

(H.P. 599) (L.D. 783)

Signed:

Senators:

BRYANT of Oxford
PERRY of Penobscot
GOOLEY of Franklin

Representatives:

FINCH of Fairfield
EBERLE of South Portland
JACKSON of Allagash
RICHARDSON of Carmel
WHEELER of Kittery
LUNDEEN of Mars Hill
BRYANT of Windham
McLEOD of Lee

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

Signed:

Representative:

SAVIELLO of Wilton

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-149)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Thursday, May 3, 2007.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-153)** on Bill "An Act To Clarify the Definition of "Personal Watercraft"

(H.P. 673) (L.D. 888)

Signed:

Senators:

BRYANT of Oxford
PERRY of Penobscot

GOOLEY of Franklin

Representatives:

- JACKSON of Allagash
- RICHARDSON of Carmel
- SAVIELLO of Wilton
- FINCH of Fairfield
- McLEOD of Lee
- WHEELER of Kittery
- LUNDEEN of Mars Hill
- BRYANT of Windham

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

Signed:

Representative:

EBERLE of South Portland

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-153)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 3, 2007.

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought Not to Pass** on Resolve, Establishing a Commission To Develop Methods for the State To Promote the Generation of Electrical Power in an Environmentally Sound Manner and Independent of Foreign Fuel Imports

(H.P. 309) (L.D. 393)

Signed:

Senators:

- BARTLETT of Cumberland
- HOBBINS of York
- SMITH of Piscataquis

Representatives:

- THIBODEAU of Winterport
- BLANCHARD of Old Town
- RINES of Wiscasset
- BLISS of South Portland
- ADAMS of Portland
- FITTS of Pittsfield
- BERRY of Bowdoinham
- HINCK of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-150)** on same Resolve.

Signed:

Representatives:

- CURTIS of Madison
- FLETCHER of Winslow

READ.

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

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought Not to Pass** on Bill "An Act To Promote Electricity Transmission Independence"

(H.P. 816) (L.D. 1098)

Signed:

Senator:

SMITH of Piscataquis

Representatives:

- THIBODEAU of Winterport
- BLANCHARD of Old Town
- CURTIS of Madison
- RINES of Wiscasset
- FLETCHER of Winslow
- FITTS of Pittsfield

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-151)** on same Bill.

Signed:

Senators:

- BARTLETT of Cumberland
- HOBBINS of York

Representatives:

- BLISS of South Portland
- ADAMS of Portland
- BERRY of Bowdoinham
- HINCK of Portland

READ.

On motion of Representative BLISS of South Portland, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass** on Resolve, To Preserve Maine's Electric Energy Infrastructure

(H.P. 920) (L.D. 1302)

Signed:

Senators:

- BARTLETT of Cumberland
- HOBBINS of York
- SMITH of Piscataquis

Representatives:

- THIBODEAU of Winterport
- BLANCHARD of Old Town
- CURTIS of Madison
- RINES of Wiscasset
- BLISS of South Portland
- FLETCHER of Winslow
- ADAMS of Portland
- FITTS of Pittsfield
- HINCK of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-152)** on same Resolve.

Signed:

Representative:

BERRY of Bowdoinham

READ.

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

The Resolve was **READ ONCE** and was assigned for **SECOND READING** Thursday, May 3, 2007.

Ten Members of the Committee on **EDUCATION AND CULTURAL AFFAIRS** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-143)** on Bill "An Act To Address the Evaluations of Certain School Employees" (H.P. 237) (L.D. 293)

Signed:

Senators:

BOWMAN of York
MITCHELL of Kennebec

Representatives:

NORTON of Bangor
FINCH of Fairfield
MAKAS of Lewiston
FARRINGTON of Gorham
HARLOW of Portland
SUTHERLAND of Chapman
MUSE of Fryeburg
STRANG BURGESS of Cumberland

Two Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-144)** on same Bill.

Signed:

Representatives:

EDGECOMB of Caribou
McFADDEN of Dennysville

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

Signed:

Senator:

MILLS of Somerset

READ.

On motion of Representative NORTON of Bangor, Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-143)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 3, 2007.

CONSENT CALENDAR
First Day

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

(S.P. 106) (L.D. 328) Resolve, To Require an Engineering Study To Determine the Cost of Extending Rail Service from Portland to Fryeburg (EMERGENCY) Committee on **TRANSPORTATION** reporting **Ought to Pass**

(S.P. 335) (L.D. 1018) Bill "An Act To Require That a State Road Be in Good Condition before Being Turned over to a Municipality" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-56)**

(S.P. 439) (L.D. 1253) Bill "An Act To Protect Consumers from Deceptive Insurance Solicitation" Committee on

INSURANCE AND FINANCIAL SERVICES reporting **Ought to Pass as Amended by Committee Amendment "A" (S-57)**

(H.P. 40) (L.D. 39) Resolve, Regarding Legislative Review of Portions of Regulations Governing the Licensing and Functioning of Intermediate Care Facilities for Persons with Mental Retardation, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 1293) (L.D. 1857) Bill "An Act To Allow Members of the Maine National Guard To Run for Office in a Partisan Public Election" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass**

(H.P. 172) (L.D. 201) Bill "An Act To Increase the State's Share of Retired Teachers' Health Insurance" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-170)**

(H.P. 346) (L.D. 430) Bill "An Act To Enable Unorganized Territory Townships To Become a Municipality" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-175)**

(H.P. 372) (L.D. 488) Bill "An Act To Amend the Child Support Laws" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-174)**

(H.P. 450) (L.D. 583) Bill "An Act To Permit Medical and Social Service Professionals To Report Animal Cruelty" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-172)**

(H.P. 451) (L.D. 584) Bill "An Act Concerning Animal Control Officers as Mandated Reporters of Abuse" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-173)**

(H.P. 515) (L.D. 666) Bill "An Act To Amend Maine's Abandoned Vehicle Laws" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-165)**

(H.P. 792) (L.D. 1074) Bill "An Act To Amend the Maine Commercial Fertilizer Law" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-166)**

(H.P. 893) (L.D. 1265) Bill "An Act To Keep Private Road Maintenance Costs Affordable" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-164)**

(H.P. 945) (L.D. 1336) Bill "An Act To Clarify the Determination of the Applicable Assessment Date for Certain Municipal Development District Projects" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-176)**

(H.P. 1091) (L.D. 1566) Bill "An Act To Allow the State Timely Opportunity To Participate in Settlement Negotiations for MaineCare Benefits" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-167)**

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

(H.P. 1304) (L.D. 1871) Resolve, Authorizing Municipalities To Consolidate Voting Districts for a Special Election (EMERGENCY) Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass**

On motion of Representative BLANCHETTE of Bangor, 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.

CONSENT CALENDAR

Second Day

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

(H.P. 150) (L.D. 168) Bill "An Act To End Fraud in Maine's Welfare Benefit Programs" (C. "A" H-163)

(H.P. 522) (L.D. 691) Bill "An Act To Modify Lobster License Fees" (C. "A" H-154)

(H.P. 547) (L.D. 726) Bill "An Act To Provide Services for Adults with Diagnoses of Mental Retardation and Other Developmental Disabilities" (C. "A" H-161)

(H.P. 549) (L.D. 728) Bill "An Act To Enhance the Wise Use and Sound Management of Maine's Wildlife Resources" (C. "A" H-158)

(H.P. 659) (L.D. 870) Bill "An Act To Enhance Education Services for Blind and Visually Impaired Children" (C. "A" H-137)

(H.P. 660) (L.D. 871) Bill "An Act To Amend the Laws Relating to the Treatment of Maine State Retirement System Contributions for Terminated Members" (C. "A" H-138)

(H.P. 713) (L.D. 938) Bill "An Act To Delay Implementation of Motor Vehicle Inspection Rules until Inspectors Have Rules in Hand for 5 Days" (C. "A" H-156)

(H.P. 746) (L.D. 986) Bill "An Act To Establish an Agriculture Education Registration Plate" (C. "A" H-157)

(H.P. 774) (L.D. 1056) Bill "An Act To Change Building Requirements for County Buildings and Land" (C. "A" H-148)

(H.P. 789) (L.D. 1071) Bill "An Act Regarding Energy-generating Facilities" (C. "A" H-134)

(H.P. 851) (L.D. 1158) Bill "An Act To Increase the Per Diem for Members of the State Board of Arbitration and Conciliation" (C. "A" H-139)

(H.P. 911) (L.D. 1293) Bill "An Act To Enhance Protection against Rabies in Wolf Hybrids" (C. "A" H-141)

(H.P. 993) (L.D. 1410) Resolve, To Name the Gray Connector (C. "A" H-155)

(H.P. 1170) (L.D. 1661) Resolve, To Support Community Planning for the Aging of the Population (C. "A" H-160)

No objections having been noted at the end of the Second Legislative Day, the House Papers were **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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

HOUSE REPORT - Ought to Pass - Committee on **LEGAL AND VETERANS AFFAIRS** on Resolve " Authorizing Municipalities To Consolidate Voting Districts for a Special Election (EMERGENCY)"

(H.P. 1304) (L.D. 1871)

Which was **TABLED** by Representative BLANCHETTE of Bangor pending **ACCEPTANCE** of the Committee Report.

The **SPEAKER**: The Chair recognizes the Representative from Brunswick, Representative Gerzofsky.

Representative **GERZOFSKY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am going to stand here tonight and I am going to respectfully ask you to oppose the motion in front of you. I have never taken on a

Unanimous Committee Report before, especially when I do not sit on the Committee, but I feel so strongly about this.

As Chairman of the Elections Committee of the House, I have been dealing with elections and voter participation for most of my life. As Chair of Elections, we have to deal with elections that are contested and have to have a recount. I have seen just how serious it is that every voter count and every vote count, and that we go through the process of trying to encourage people to vote more, not less. This bill, I believe in my heart, will restrict voting.

Whenever you consolidate polls for one election, an election about bonds—bonds the Constitution says, takes a two-thirds vote to get out of here. They are important elections, but if you are going to vote today to allow the towns to consolidate their polling for bonds, you are going to encourage a low voter turnout, not a big voter turnout. The State of Maine leads this Nation in many, many elections, on the amount of people we have voting. The percentage that we have here in Maine is rivaled by none. The reason for that is we have made voting easier, not harder. We have told our voters that you can register on Election Day. You can register at the Department of Motor Vehicles, that you can absentee vote. We have never told our voters that you are going to have to guess what poll to go. That when you restrict voting by consolidating polls this year, that people coming home from work go to their normal polls to vote and get turned away, it is going to affect them next year when we are voting, when we are up for election, when a President is up for election. The last thing I think this body wants to do is to allow some towns to consolidate the voting polls to save money.

One thing that I have learned is that democracy is not supposed to be judged by how cheap it is, by how much participation we get—that is the way we should be judging our democracy. We should not do anything in this body to restrict voting. We should on the other hand be doing everything that we can to encourage voting.

Now I know that some town clerks in this state, that would like to have the election in November, when they are prepared for it, and not this special election for bonds. I know that some clerks that this is going to save them some money. Sending their town manager home in a nice new SUV is not saving them money, so they can cut down that if they want to cut costs. There are many ways that the towns can cut costs without taking out voting

Changing the voting polls is going to confuse our voters. It is going to confuse especially our seniors, who are used to going to their neighborhood polls to vote. In my town, I have a place called Pejepscot Terrace that is almost entirely senior citizens that are now going to have to make their way across town to another voting poll if they consolidate. But I think this is just too drastic of a move for this body to make.

I know the argument for it: it is going to save costs and it is going to be a low turnout anyway. Well, I do not believe that it is going to be a low turnout. Everybody in the State of Maine is going to be paying for these bonds. We ought to allow everybody in the State of Maine to vote for these bonds, or vote against these bonds, however they chose. It is their right, it is their privilege, and it is something that we have encouraged time and time again in this body. I am really quite surprised to see us trying to do this. I know it has been done in the past and the belief of a low turnout came true. Well of course it did, people did not know how to get to the polls. You pull up to the polls and you are on your way home from work and you see a sign that says go down to the town clerk's office, or something such as that. In towns like mine that having multiple polling opportunities, they say "I am going home. It is not worth it. If they do not think the

bonds are worth it, why should I come and vote?" Next year, they are not going to know where to go vote.

Now I can hear from the town clerks and they can tell me until they are purple that they are going to send out notifications, and they are going to put in the newspapers, they are going to put it on television. They can do anything they want, but it still boils down to the same thing—people are going to be confused, it is going to restrict voting, and it is not going to increase voting. If it was going to increase voting, I would be standing here on the floor fighting for it. I have never taken on an issue that I did not believe in my heart, with a Unanimous Committee Report, but I do believe that it needs to be debated on this floor, by this body. I think we are the body that should care, not just the Committee. I would hope and I would urge you to please not support this motion.

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

Representative **GOULD**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I sit on the Committee of oversight, Legal and Veterans Affairs, and I think much to the great surprise of the sponsor, I voted that this Ought to Pass. Again, it was a unanimous report. I also sit on the House Elections Committee, with the good Representative who just spoke, and initially I expressed all of the same concerns that he has expressed. However, my fears were allayed when nobody spoke against this. The City Clerk from Augusta offered uncontroverted testimony that they have consolidated districts in the past and that in fact when they have done so, voter turnout has been higher in those elections than in the elections when the districts have been unconsolidated.

In addition to that, the City Manager offered uncontroverted testimony that when they have had consolidated elections in that past, there have been no problems and no complaints lodged by anybody in the voting process. Nobody is more concerned about our senior citizens than I. I am an Estate Planning and Elder Law Attorney. I make my living protecting the rights of the elderly and I too, was very concerned that there might be access issues, but based upon the uncontroverted evidence, I have to please ask you to support the Committee's Ought to Pass recommendation. Thank you, Mr. Speaker and Ladies and Gentlemen of the House.

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

Representative **CROCKETT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to tell you how this bill came before you today. I received an email from my town clerk. She had received a packet from the Secretary of State, with the instructions for this June 12 referendum election. She was concerned that it pointed out that because it was 90 days before the election, they would not be able to consolidate their voting polls. Augusta is not alone in this. She had talked to many other town clerks. Many municipalities did not plan for this June election. Town officials across the state are concerned about the additional expense caused by the mandate of having multiple polling places. Keep in mind that the Legislature did not approve a bond package during the last session, so a June election was not necessary.

In many towns, the bond package may be the only issue on the ballot. Mandating multiple polling stations is a financial burden to the municipalities attempting to keep their budgets down and stay under the LD 1 cap. Many towns did not place an election for this June in their budgets. We are facing the same situation that took place in April 2003—the Legislature at that

time approved a bill exactly like this bill and it allowed the municipalities to consolidate their voting places.

I too, am just as concerned as anyone else in this body about people turning out to vote. This bill has three things in it that I believe safeguard that. First, the municipalities must put a notice in the paper of a public hearing. Then they must hold a public hearing and after that, the town officials, the selectmen or city council, must vote to approve consolidation of their voting places. It is not something that is just going to take place if this bill passes. Some towns may do it, some towns may not. I do not want this election to be a cost burden to our towns. Instead, this bill would give them permission to consolidate. After all, I believe the town officials are the best ones to make that determination. In Augusta alone, it would save close to \$6,000. Thank you for your consideration and I hope you support the Ought to Pass.

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

Representative **BLANCHETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have the privilege of serving on the Legal and Veterans Affairs Committee and was one of the unanimous votes on this Report. Like the good Representative from Brunswick, Representative Gerzofsky, I too, have shared in the past concerns about people being disenfranchised from voting. Voting is a right that the people in the State of Maine take very, very seriously, as it proves by our voter turnout of about 70 percent. There are very few states in the United States of America that beat us when it comes to turning out votes.

The June Primary Election is not a new thing to our voters, although unexpected this year, but the people in the State of Maine do on a regular basis, every two years, go to the polls and vote in a June Primary Election. So it is not the newbie on the block, they have never heard of it before. It has been done for many, many, many years and very successfully. The Secretary of State's Office, in the last few years, has jumped through hoops to make voting as easy as possible for every citizen within the State of Maine, or every citizen that is out of the State of Maine that is a registered voter. We have early voting. It used to be called absentee voting and you actually had to be absent from the city the day the polls opened, or you had to lie like a rug and tell them you were going to be. Now you do not have to have a reason. You can go to your city clerk's office and vote anytime within 30 days of the election—they will accept an absentee, an early voting ballot.

In Bangor last year, we consolidated from nine voting places down to four, with the approval of our City Council, they approved it. In response to that, early voting increased over 40 percent in our last election. People love it. They do not have to worry about getting out of work Election Day, standing in line at the polls to cast their vote. They enjoyed it, they took advantage of it, and it will be offered again. This is something all municipalities and townships have the option to do. This is a move that needs to be done this time because your town budgets, if you are running on a June 31–July 1 budget, did not appropriate money for this June Primary—they did not do it in their budget. This \$6 or \$7,000 does not sound like a lot of money when we are dealing with millions and billions in the federal budget and our state budget, but to some towns and municipalities that is a lot of money. We are going to serve the people. The people in the State of Maine are going to get to vote. We are not going to surprise them with a June election. They are smart, they know when to go and vote and when not to.

I urge you to support this Unanimous Committee Report, and the conversation was heavy and heated and debated at our

Committee. I think we have done our job and we are representing the people in the State of Maine very well. We are also giving deference to some of the communities that are on a very, very tight budget. Thank you, Mr. Speaker.

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

Representative **PATRICK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House, Colleagues, and Friends. I rise to speak in support of this motion. I would like to correct a slight error. No one personally came before the Committee and spoke against the bill, but the good Representative Gerzofsky, from Brunswick, did give me his testimony which I distributed to all of the Committee members. It was referenced about three or four times during the debate about the problems people had with disenfranchising voters. Having that said, what I would like to do is actually read what the bill does.

Under Sec. 1., "Municipalities authorized to consolidate voting districts. Resolved: That, notwithstanding the Maine Revised Statutes, Title 21-A, section 631, a municipality may—and I will say it again—"a municipality may consolidate voting districts for the purpose of holding a special election on bond issues in 2007. A municipality that chooses to consolidate voting districts shall hold a public hearing on the planned consolidation. Plans to consolidate districts must be submitted to the Secretary of State at least 35 days prior to the special election."

I would say, as one who fights against disenfranchisement, this is not going to disenfranchise anyone. Besides the testimony of the Clerk from Augusta that it did actually increase in one respect, another aspect of voting in general in Maine, our seniors can now call their town halls and get an absentee ballot and vote easily from home for any reason. So with that, I would ask you to support the Ought to Pass 13-0 Report. Thank you, Mr. Speaker.

Representative RINES of Wiscasset **REQUESTED** a roll call on the motion to **ACCEPT** the Unanimous **Ought 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 Freeport, Representative Webster.

Representative **WEBSTER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am a little surprised that I am standing to speak to this and I will be very brief. There are a few things that I feel strongly about, as strongly as I do about access to voting. John Quincy Adams said, "Always vote for principle, though you may vote alone, and you may cherish the sweetest reflection that your vote is never lost."

I stand to support the Representative from Brunswick and his concerns regarding changing voting places and locations. I have an elderly friend in Freeport, who I have encouraged to vote absentee several times. She says, "No dear, I go to the polls." I want her to know where she should go on the day that she votes. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Gerzofsky.

Representative **GERZOFSKY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to remind people in this body, the people's body, that we should never have voting determined by cost. Democracy is not determined by cost, it is determined by participation. Thomas Jefferson said we should have free public schools so that we can have an educated populous for the purpose of participating in a Democracy.

Many people over generations have gotten used to going to the voting polls and voting on Election Day. I cannot remember many Junes where we have not had an election. People are used to going to their polls and voting. It is their preferred method of voting, especially our elderly—it is a social event for them. Especially people that are working for a living that come home on their way home from work and stop to do their civic duty with their children, after just picking them up from day care. Voting absentee does not encourage that communication. I cannot urge strongly enough that voting should be free, should be accessible, and it should be easy, and we should encourage our people to go to the polls and vote. Thank you very much.

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

ROLL CALL NO. 43

YEA - Annis, Austin, Ayotte, Beaudoin, Beaulieu, Berube, Blanchette, Bliss, Brautigam, Browne W, Cain, Campbell, Canavan, Casavant, Cebra, Chase, Clark, Cleary, Cotta, Cray, Crockett, Crosthwaite, Dill, Driscoll, Duchesne, Duprey, Eaton, Eberle, Edgecomb, Emery, Faircloth, Finch, Finley, Fischer, Fitts, Fletcher, Flood, Giles, Gould, Greeley, Hamper, Hanley S, Harlow, Hayes, Hill, Hinck, Hogan, Jackson, Jacobsen, Joy, Knight, Koffman, Lewin, Lundeen, MacDonald, Marean, Mazurek, McDonough, McFadden, McKane, McLeod, Miller, Millett, Mills, Miramant, Muse, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Pinkham, Piotti, Plummer, Pratt, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Saviello, Schatz, Silsby, Simpson, Sirois, Strang Burgess, Tardy, Thomas, Tibbetts, Treat, Tuttle, Valentino, Vaughan, Wagner, Walcott, Walker, Watson, Weaver, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Adams, Babbidge, Beaudette, Berry, Boland, Bryant, Burns, Carter, Craven, Curtis, Fisher, Gerzofsky, Gifford, Grose, Haskell, Kaenrath, Makas, Priest, Rand, Rines, Samson, Savage, Smith N, Sutherland, Sykes, Theriault, Thibodeau, Webster.

ABSENT - Barstow, Blanchard, Connor, Conover, Cressey, Dunn, Farrington, Hotham, Lansley, Marley, Moore, Pineau, Richardson E, Trinward.

Yes, 108; No, 28; Absent, 14; Vacant, 1; Excused, 0.

108 having voted in the affirmative and 28 voted in the negative, 1 vacancy with 14 being absent, and accordingly the Unanimous **Ought to Pass** Report was **ACCEPTED**.

The Resolve was **READ ONCE**.

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

Under further suspension of the rules, the Resolve was **PASSED TO BE ENGROSSED** and sent for concurrence.

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

ENACTORS

Acts

An Act Regarding Final Agency Action Subject to Appeal Pursuant to the Maine Workers' Compensation Act of 1992

(S.P. 16) (L.D. 41)

An Act To Support Maine's Free Clinics

(S.P. 55) (L.D. 144)

(C. "A" S-36)

- An Act To Allow the Reimbursement of Motor Vehicle Excise Taxes in Certain Cases (S.P. 198) (L.D. 227) (C. "A" H-76) (S.P. 292) (L.D. 904) (C. "A" S-34)
- An Act To Establish Emergency Response to Illegal Introductions of Invasive Fish Species (H.P. 691) (L.D. 916) (C. "A" H-65)
- An Act Relating to Alternate Directors for Public Waste Disposal Corporations (S.P. 89) (L.D. 252) (C. "A" S-38) (H.P. 751) (L.D. 991)
- An Act To Postpone the Expiration of the Required Nonhospital Expenditures Component in the Capital Investment Fund (H.P. 245) (L.D. 301) (C. "A" H-64) (H.P. 801) (L.D. 1083) (C. "A" H-72)
- An Act To Require the Department of Environmental Protection To Meet the Federal Requirements on Regional Haze Visibility Impairment (S.P. 137) (L.D. 436) (S.P. 144) (L.D. 443) (C. "A" S-50)
- An Act Regarding the Protection and Advocacy Agency Advisory Council (S.P. 154) (L.D. 467)
- An Act To Amend the Laws Relating to Juveniles (H.P. 399) (L.D. 521) (C. "A" H-73)
- An Act To Authorize the Use of the Department of Health and Human Services Staff as Hearing Officers (H.P. 464) (L.D. 615)
- An Act To Strengthen the Scientific Research Support Capability of the Maine State Museum (S.P. 209) (L.D. 672) (C. "A" S-42)
- An Act To Allow Schools in the State To Self-insure for Fire, Property and Theft Insurance (S.P. 219) (L.D. 682) (C. "A" S-41)
- An Act To Clarify That a Financial Institution Must Recognize a Writ of Execution To Satisfy a Creditor's Claims to Business Accounts Held by That Financial Institution (H.P. 518) (L.D. 687) (C. "A" H-70)
- An Act Regarding Notice That Must Be Provided by a Psychiatric Facility Concerning Certain Patients (S.P. 228) (L.D. 711) (C. "A" S-49)
- An Act To Ensure Equitable Geographic Representation on the State Board of Education (S.P. 240) (L.D. 791) (C. "A" S-43)
- An Act To Allow a Self-pay Patient To Choose between Generic and Brand-name Medications (S.P. 281) (L.D. 883) (C. "A" S-40)
- An Act To Clarify Certain Laws Related to Fire Safety (H.P. 671) (L.D. 886)
- An Act To Increase Educational Opportunities in the Kennebec Valley Region (S.P. 286) (L.D. 898) (C. "A" S-44)
- An Act To Make Technical and Supervisory Amendments to the Banking Laws
- An Act To Permit the Sale of Certain Used Mercury-added Products (H.P. 691) (L.D. 916) (C. "A" H-65)
- An Act To Clarify the Security Requirements for Self-insurers (H.P. 751) (L.D. 991)
- An Act To Clarify the Use of Insurance Scores (H.P. 801) (L.D. 1083) (C. "A" H-72)
- 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.
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- Resolves**
- Resolve, To Stimulate Tourism Development Projects (H.P. 403) (L.D. 525) (C. "A" H-69)
- Resolve, To Name the Bridge on Route 201 in Jackman over the Moose River the Veterans Memorial Bridge (H.P. 423) (L.D. 545)
- Resolve, To Study Maine's Agricultural Creative Economy Sector (H.P. 666) (L.D. 876) (C. "A" H-68)
- Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **FINALLY PASSED**, signed by the Speaker and sent to the Senate.
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- An Act To Require the Replacement of Trees Cut in Shoreland Areas (H.P. 270) (L.D. 340) (C. "A" H-77)
- Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.
- On motion of Representative FAIRCLOTH of Bangor, was **SET ASIDE**.
- The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.
- More than one-fifth of the members present expressed a desire for a roll call which was ordered.
- The SPEAKER: A roll call has been ordered. The pending question before the House is Enactment. All those in favor will vote yes, those opposed will vote no.
- ROLL CALL NO. 44**
- YEA - Adams, Annis, Austin, Babbidge, Beaudette, Beaudoin, Beaulieu, Berry, Blanchette, Bliss, Boland, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Cebra, Cotta, Craven, Crockett, Dill, Driscoll, Duchesne, Duprey, Eaton, Eberle, Emery, Faircloth, Finch, Fischer, Fisher, Fitts, Fletcher, Gerzofsky, Giles, Gould, Greeley, Grose, Hamper, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Hotham, Koffman, Lewin, Lundeen, MacDonald, Makas, Marean, Mazurek, McDonough, McKane, Miller, Millett, Mills, Miramant, Muse, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rand, Rector, Richardson D, Richardson W, Rines, Rosen, Samson, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thomas, Treat, Tuttle, Valentino, Wagner, Walcott,

Walker, Watson, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Ayotte, Berube, Chase, Clark, Cleary, Cray, Crosthwaite, Curtis, Edgecomb, Flood, Gifford, Jackson, Jacobsen, Joy, Knight, McFadden, McLeod, Robinson, Thibodeau, Tibbetts, Vaughan.

ABSENT - Barstow, Blanchard, Connor, Conover, Cressey, Dunn, Farrington, Finley, Kaenrath, Lansley, Marley, Moore, Pineau, Richardson E, Trinward.

Yes, 114; No, 21; Absent, 15; Vacant, 1; Excused, 0.

114 having voted in the affirmative and 21 voted in the negative, 1 vacancy with 15 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Amend the Laws Dealing with the Posting of Gas Prices

(S.P. 208) (L.D. 671)
(C. "A" S-45)

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

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

The same Representative **REQUESTED** a division on **PASSAGE TO BE ENACTED**.

The Chair ordered a division on **PASSAGE TO BE ENACTED**.

A vote of the House was taken. 128 voted in favor of the same and 0 against, with 1 vacancy and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Increase the Amount of Money a Resident in a Nursing Home May Spend on Personal Expenses

(S.P. 273) (L.D. 880)
(C. "A" S-39)

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

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

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

ROLL CALL NO. 45

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchette, Bliss, Boland, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Cebra, Chase, Clark, Cleary, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Duprey, Eaton, Eberle, Edgecomb, Emery, Faircloth, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Gould, Greeley, Grose, Hamper, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Hotham, Jackson, Jacobsen, Joy, Knight, Koffman, Lewin, Lundeen, MacDonald, Makas, Marean, Mazurek, McDonough, McFadden, McKane, McLeod, Miller, Millett, Mills, Miramant, Muse, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rand, Rector,

Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Treat, Tuttle, Valentino, Vaughan, Wagner, Walcott, Walker, Watson, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - NONE.

ABSENT - Barstow, Blanchard, Connor, Conover, Cressey, Dunn, Farrington, Kaenrath, Lansley, Marley, Moore, Pineau, Richardson E, Trinward.

Yes, 136; No, 0; Absent, 14; Vacant, 1; Excused, 0.

136 having voted in the affirmative and 0 voted in the negative, 1 vacancy with 14 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (10) **Ought to Pass as Amended by Committee Amendment "A" (H-66)** - Minority (2) **Ought to Pass as Amended by Committee Amendment "B" (H-67)** - Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Prohibit the Use of Nonnative Baitfish"

(H.P. 145) (L.D. 163)

TABLED - April 11, 2007 (Till Later Today) by Representative JACKSON of Allagash.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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. I realize that it is getting late. My Republican colleagues have a dinner planned; I would like to be as brief as possible.

What this bill has attempted to do is correct a serious error in Maine law, specifically Inland, Fisheries and Wildlife statutes. Right now, we have a statute that lists 23 species of minnows that are legal for use as live bait in the State of Maine. Four of those species are nonnative invasive species. We do not know why they are on the list, but they ought not to be there, leaving 19 species of minnows native to waters in Maine, available for use and sale as live bait.

About 30 years ago, a bait dealer by the name of Taylor, took his truck out-of-state and bought a large quantity of nonnative minnows, baitfish, from out-of-state, brought them across state lines in contravention of the law, was stopped on a tip by a warden up in Bangor, and fined. Mr. Taylor was not happy with his conviction or his fine and was not happy with the law, so he appealed it, and he appealed it, and he appealed it. In 1986, that case ended up in the United States Supreme Court, Maine v. Taylor. The Supreme Court said—now Taylor argued three things: He argued one, this interfered with interstate commerce. Two, he had a right to do what he wanted to in the waters of Maine because he was a citizen of Maine. Three, the State of Maine had not proven that the baitfish he had in the back of his truck, although they were admittedly alien and nonnative, were any kind of harm, and would have been any harm to the waters in Maine. That is what he argued.

The Supreme Court said the State of Maine did not have to prove harm. The State of Maine might have been interfering with interstate commerce, but its interests in the unique and fragile native waters in Maine, overrode that concern. The United States Supreme Court upheld that law and it is a law on the books today.

Just a couple of sessions ago, as a matter of fact I think last session, this Legislature increased the fines for violating that law to \$10,000. If you capture fish in one pond in Maine and decide you like that species of fish, you want it up in a pond in northern Maine, truck it up there live, and release it, you are subject to a \$10,000 fine. If you keep Chinese carp, known as "Koi," in a fish tank in Freeport, Maine for 15 years, you are subject to a fine because you are keeping a nonnative, invasive species alive in the State of Maine without a permit. Yet, we have a law on the books that authorizes the use and sale of four nonnative, invasive species.

Now, at the Hearing, the Department opposed this bill and the Committee went along with the Department. This is a 10-2 vote. I have all of the respect in the world for the committee process in general; I have great respect for the Inland, Fisheries and Wildlife Committee, in particular, but in this case, the Department and the Committee were wrong. The Department said, "Well yeah, those fish are nonnative, but well the fact is we would have to train our wardens to identify those fish," and they put a \$46,000 fiscal note on the bill to cover the cost of training their wardens to identify baitfish. Not the other 19, mind you, but only the four to be removed. Incidentally, one of those four is called the Blackchin shiner. Nobody has ever seen a Blackchin shiner, certainly not in the State of Maine. Nobody knows how that fish even ended up on the list. So the Committee's Report, the one that you are voting on now, the Majority Ought to Pass as Amended, the Amendment takes the Blackchin shiner off the list, but leaves the other three: the Emerald, the Spottail, and the Silvery minnow—the ones that are nonnative.

We have to protect our native waters. We cannot introduce invasive species. You cannot name—I challenge anyone on this floor to rise and name an invasive species that we have introduced in any ecological system that turned out to be a good idea. Drive south and look what kudzu has done to the South. Drive into New Hampshire and look at what variegated milfoil has done. Yet we have a law on the books that allows bait dealers to take nonnative fish, put them in the pond, let them raise, next season catch them, take them out of the pond, sell them to a fisherman who is going to take them to a pond 50 miles further north, fish with them at the end of the day if they do not escape off the hook, live at the end of the day might dump his bucket out, and thus he is sending nonnative fish all over the State of Maine. We do not have to prove that they are dangerous to our native Brook trout, or to our ecology. They are different, they are nonnative, they are alien to those ecological systems, and that in itself is enough of a danger to do it.

The Department is wrong on this bill. The Committee is wrong on this bill. I encourage you to please vote no on this and then go on to accept the Minority Ought to Pass as Amended Report, which removes those three, nonnative, alien fish from the list. Thank you very much, Mr. Speaker.

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. Environmental conditions in Maine have changed dramatically since this State House was built, long before this State House was built, and mostly from human influence. But it is in our nature to influence

things and to change things, and that is not bad, that is the nature of us. But in the couple hundred of years that we have been a state, we have also learned a lot about natural systems. I think we approach changes in them that we are going to be instrumental in; we approach them with some humility.

The first principle in natural resource management should be as it is in medicine: Do no harm, conserve the integrity of the resource. Then burden of proof should be on those who would sell or release nonnative species of plants or fish, that these will not reproduce or have a negative or possible irreparable and costly consequence to our natural systems, on land or in the water. Eurasian milfoil comes to mind. We have worked a lot on it in Maine; we have a lot to lose if it is established in Maine.

Maine's University and Natural Resource and Wildlife Departments have ample qualified scientists to evaluate the harms and benefits of introduced species, and we should be using those resources rather than allow individual citizens to be encouraged to alter ecosystems without scientific scrutiny and justification. The environment will continue to change and more often forever, we will be responsible for those changes. In being responsible, we have to look at the costs and benefits and the long-term consequences. That is what it means to be human.

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. This bill is not about plants, this bill is about minnows. This bill is something that the Committee dealt with very seriously. It is something that the Committee has dealt with seriously in past Legislatures. Like the good Representative from Bath, Representative Watson said, we have made the fines quite large. I feel \$10,000—that would certainly hurt me coming out of my pocket.

If you look on page 36 of today's Calendar, (10-4) An Act To Establish Emergency Response to Illegal Introductions of Invasive Fish Species. Basically what that is, is that gives the Commissioner the ability to kind of go out and deputize people to help him trying to restore any place that they do feel has been illegal introduction. But the major thing is that it is illegal in the State of Maine to bring in any fish to the state.

What we heard in Committee from the Department was that these fish, these three fish, or smelt, have been here for as long as anyone can remember. There are reports from back in the 30's, creel reports, of them catching fish or smelts like this, and the Department felt that there was no way that they could go out and identify these without bring them back to a lab and opening them up and studying them. We cannot have the Department out there trying to decide if these fish are a certain type or not. We certainly cannot have that argument, when the Department feels that these fish have been here for a long time. I certainly never heard anyone say that these fish were an illegal introduction or not, but they have been on that list for a long time. As the good Representative mentioned, there was one that no one knows how it got on there, and that is what we are taking off the list today. But to ask the Department, after a good portion of the people, at least half, if not more of the people, can make claim that these fish have been here for 30, 40, maybe 50 maybe more years, and start telling people that you cannot use these now because they are invasive.

You know, the cat is out of the bag—that is the only thing I can say. Coyotes are not something that is native to Maine, but they are prevailing all across the state now. What are you going to do? These fish have been used by anglers, the Department cannot go out and police it, they do not know they will police it, and we have seen no evidence that if they are nonnative that

they are hurting the fish. So I would ask you to support the Ought to Pass as Amended Report. Thank you.

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

Representative **EBERLE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I think that this issue presents a very real threat to our native Brook trout and to our waters of Maine, on which we depend for a huge part of our economy. People come to Maine to fish, they come to our pristine waters and to catch the native Brook trout, and with the introduction of these fish, no matter how long they have been in the system. I think that it poses a very real threat. As Representative Koffman said, we have a lot to lose.

The issue of whether they can be identified or not, a dealer does not have to sell them. There are still 19 species of fish that people can sell, that dealers can sell, for use in fishing. That still presents a huge choice for people to be able to sell and use in this state. Maine is in an enviable position in many areas of our environment. To be able to prevent further harm, protect these resources with a very small initiative, and that is to exempt these kinds of fish from being sold. Use the 19 that are not invasive. Just look down south, if anyone has ever traveled down south and seen kudzu climbing over, it was an invasive species that was introduced decades ago, and see the harm that it has caused in the environment. So I would encourage you to vote no on this motion and accept the Minority Report, on which I was the member from this House.

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

Representative **SAVIELLO**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just thought I would share with you a little bit of the testimony from the Department of Inland, Fisheries and Wildlife. As was said, there is a test that is involved, and it says most wardens and biologists struggled to the live identification of several minnows, making enforcement extremely difficult. The reason for that is there is a microscopic evaluation that is necessary to defend which one is which. That is why the large financial note on it.

The second point that they make, which I think is interesting. It says likely don't pose a threat of spreading exotic fish diseases to the Maine waters. There was a note that went around that there would be diseases spread by these fish—they do not believe that that would happen.

The third point, I think is very important. It says that introduction of Golden shiners in native species into pristine trout ponds, can have a serious effect. We are not convinced that these four species—or at that time four species—pose any greater threat than our native minnows. As a result, we are convinced that education and awareness is necessary to minimize the spread of these baitfish.

The fourth and last point I will make to you that they made to us, is the spread of these minnow species has not been rapid or widespread. Thank you very much, Mr. Speaker.

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. The most compelling argument that I have heard for accepting this Report is the fact that we have always done it. I am sorry.

In terms of identification, if you are in the business of selling bait, you ought to know what you are selling. We are not asking the game wardens to go out and go through a bait bucket and to see if you are fishing with an illegal minnow. We are asking to remove these minnows from the list so the bait dealers do not sell

them to you in the first place—do not plant them in our ponds and raise them and use your ponds as a hatchery or a nursery to raise illegal fish. It is not an overwhelming problem, it is a laziness problem. If we are going to manage our woods and waters in that way, we are in serious trouble. Mr. Speaker, I ask for a roll call, please.

Representative **WATSON** of Bath **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 Allagash, Representative Jackson.

Representative **JACKSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As the good Representative has said, it is true: It probably would not be a big job to have bait dealers not sell them anymore. But at the same time, we do not see any compelling reason to have to ask them to quit. We know that this bait has been around for half of a century, if not longer. We are not even sure if it is not native to Maine and it has not ruined, supposedly, these pristine waters. So I do not understand why we would want to ask them to go out and get rid of this bait.

The Department says that they would not be able to enforce it, we see no evidence that it has ruined anything, so I do not understand why we would want to go through all of that effort anyway. I do not think it is laziness, I think it is common sense. I just do not understand. I do understand the reasons behind it, but I do not agree with it. So I would ask you to support the Majority.

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

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

The SPEAKER: The Representative may pose her question.

Representative **PERCY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just for a point of clarification. Of the three species that they are talking about, are they being raised aquaculturally in this state and then put in our waters?

SPEAKER: The Representative from Phippsburg, Representative Percy has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Carmel, Representative Richardson.

Representative **RICHARDSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In response to the question: Yes, they are being raised through an aquaculture program.

Here in central Maine, in fact, when we talk about this not being a small initiative, we need to really consider the fact that we do have an ongoing business in which this entrepreneur has invested years of research and a quarter of a million dollars in structural investment in developing this business, in hopes of providing a safe source of bait for our fishermen. In his research, what he has determined is that these Emerald shiners are the most suitable for this aquaculture business that he has developed. So we need to really think about, when we sat talking about a business, we need to consider this, that this man has a tremendous financial investment so far. He also has a tremendous inventory that could be lost if he is not allowed to sell this bait.

As it has been pointed out in the previous testimony, the testimony that we heard before the Committee is that for nearly 50 years these fish have been identified in Maine waters, they

have been used by Maine fishermen for nearly 50 years. Now whether we want to call them native or not, I do not know how many generations of this baitfish would occur in 50 years. It probably still does not make them a native Maine fish, but it certainly give them some credibility, I guess. There was no testimony that they are invasive. That term really did not come up in testimony that I heard that they were invasive, nonnative, and there is no proof that they are nonnative.

Finally, Mr. Speaker, I would like to respond to the good Representative from Bath's question, the challenge about introduction of a species that provided some good. In the last issue of *National Geographic Magazine*, on the article about the finding of Jamestown, it was pointed out that until Jamestown was founded, there was no evidence of earthworms being in the area. It seems to me that earthworms do provide a lot of good. Thank you, Mr. Speaker.

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. 46

YEA - Annis, Austin, Ayotte, Beaudoin, Beaulieu, Berube, Browne W, Bryant, Burns, Cain, Campbell, Carter, Casavant, Cebra, Chase, Clark, Cleary, Cotta, Cray, Crosthwaite, Curtis, Driscoll, Duprey, Edgcomb, Faircloth, Finch, Finley, Fischer, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Hamper, Hanley S, Harlow, Haskell, Hayes, Hill, Hogan, Hotham, Jackson, Jacobsen, Joy, Knight, Lundeen, MacDonald, Marean, Mazurek, McDonough, McFadden, McLeod, Miller, Millett, Mills, Muse, Nass, Patrick, Peoples, Perry, Pieh, Pilon, Pingree, Piotti, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Samson, Saviello, Schatz, Silsby, Sirois, Smith N, Strang Burgess, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Tuttle, Valentino, Vaughan, Walker, Weddell, Wheeler, Mr. Speaker.

NAY - Adams, Babbidge, Beaudette, Berry, Blanchette, Bliss, Boland, Brautigam, Canavan, Craven, Crockett, Dill, Duchesne, Eaton, Eberle, Fisher, Gerzofsky, Grose, Hinck, Koffman, Lewin, Makas, McKane, Miramant, Norton, Pendleton, Percy, Pinkham, Pratt, Priest, Rand, Rines, Savage, Simpson, Sutherland, Treat, Wagner, Watson, Weaver, Webster, Woodbury.

ABSENT - Barstow, Blanchard, Connor, Conover, Cressey, Dunn, Emery, Farrington, Kaenrath, Lansley, Marley, Moore, Pineau, Richardson E, Trinward, Walcott.

Yes, 93; No, 41; Absent, 16; Vacant, 1; Excused, 0.

93 having voted in the affirmative and 41 voted in the negative, 1 vacancy with 16 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-66) was READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Thursday, May 3, 2007.

Bill "An Act To Allow Legislative Pay To Be Set by the State Compensation Commission"

(H.P. 1266) (L.D. 1814)

- In House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and the Committee on **LABOR** on April 10, 2007.

- In Senate, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** in **NON-CONCURRENCE.**

TABLED - April 24, 2007 (Till Later Today) by Representative **BEAUDETTE** of Biddeford.

PENDING - **FURTHER CONSIDERATION.**

On motion of Representative **TUTTLE** of Sanford, the House voted to **RECEDE.**

On further motion of the same Representative, the Bill was **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (10) **Ought to Pass as Amended by Committee Amendment "A" (H-86)** - Minority (3) **Ought to Pass as Amended by Committee Amendment "B" (H-87)** - Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Designate May 1st of Each Year as Cold War Victory Day" (EMERGENCY)

(H.P. 103) (L.D. 111)

TABLED - April 25, 2007 (Till Later Today) by Representative **BARSTOW** of Gorham.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

On motion of Representative **PINGREE** of North Haven, the Bill and all accompanying papers were **COMMITTED** to the Committee on **STATE AND LOCAL GOVERNMENT** and sent for concurrence.

Bill "An Act To Permit the Use of Pictorial Graphics and Photographs on Changeable Signs"

(H.P. 627) (L.D. 830)

- In House, Majority (10) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TRANSPORTATION READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-61)** on April 11, 2007.

- In Senate, Minority (3) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TRANSPORTATION READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-62)** in **NON-CONCURRENCE.**

TABLED - May 1, 2007 (Till Later Today) by Representative **BROWNE** of Vassalboro.

PENDING - **FURTHER CONSIDERATION.**

On motion of Representative **BROWNE** of Vassalboro, the House voted to **RECEDE.**

On further motion of the same Representative, the Minority **Ought to Pass as Amended Report was ACCEPTED.**

Committee Amendment "B" (H-62) was READ by the Clerk.

The same Representative **PRESENTED House Amendment "A" (H-177) to Committee Amendment "B" (H-62), which was READ** by the Clerk and **ADOPTED.**

Committee Amendment "B" (H-62) as Amended by House Amendment "A" (H-177) thereto was ADOPTED.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "B" (H-62) as Amended by House Amendment "A" (H-177) thereto** in **NON-CONCURRENCE** and sent for concurrence.

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" (H-168)** on Bill "An Act To Amend Truancy Laws Regarding Parent Involvement"

(H.P. 353) (L.D. 454)

Signed:

Senators:

BOWMAN of York
MILLS of Somerset

Representatives:

NORTON of Bangor
FINCH of Fairfield
MAKAS of Lewiston
FARRINGTON of Gorham
HARLOW of Portland
SUTHERLAND of Chapman
EDGECOMB of Caribou
McFADDEN of Dennysville
MUSE of Fryeburg
STRANG BURGESS of Cumberland

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

Signed:

Senator:

MITCHELL of Kennebec

READ.

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

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

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Strengthen Arts Education for All Maine Students"

(H.P. 977) (L.D. 1385)

Signed:

Senators:

BOWMAN of York
MITCHELL of Kennebec
MILLS of Somerset

Representatives:

NORTON of Bangor
FINCH of Fairfield
MAKAS of Lewiston
FARRINGTON of Gorham
SUTHERLAND of Chapman
EDGECOMB of Caribou
McFADDEN of Dennysville
MUSE of Fryeburg
STRANG BURGESS of Cumberland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-169)** on same Bill.

Signed:

Representative:

HARLOW of Portland

READ.

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

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

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

Representative **PERCY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. In reference to Roll Call No. 42 on LD 1501, had I been present, I would have voted yes.

On motion of Representative PINGREE of North Haven, the House adjourned at 6:15 p.m., until 10:00 a.m., Thursday, May 3, 2007 in honor and lasting tribute to Olive Walker Swinney, of Deer Isle and Robert Moroney, of Fairfield.