

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
36th Legislative Day
Thursday, May 3, 2007

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

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

National Anthem by Hannah Jabar, Waterville.

Pledge of Allegiance.

Doctor of the day, John Joseph, M.D., Brunswick.

The Journal of yesterday was read and approved.

The House recessed for the purpose of conducting Welcome Back Day Ceremonies.

(After Recess)

The House was called to order by the Speaker.

SENATE PAPERS

Bill "An Act To Provide Additional Financing for Costs Associated with the Remediation of a Waste Oil Site in Plymouth" (EMERGENCY)

(S.P. 686) (L.D. 1887)

Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** suggested and ordered printed.

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

REFERRED to the Committee on **NATURAL RESOURCES** in concurrence.

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require a 2/3 Vote of Each House of the Legislature To Enact or Increase a Tax or License Fee

(H.P. 283) (L.D. 353)

Majority (8) **OUGHT NOT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** in the House on March 29, 2007.

Came from the Senate with the Minority (5) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** and the RESOLUTION **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-34) in NON-CONCURRENCE.**

On motion of Representative BARSTOW of Gorham, the House voted to **INSIST.**

Non-Concurrent Matter

Bill "An Act To Preserve Maine's Quality Places"

(H.P. 1305) (L.D. 1872)

REFERRED to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and the Committee on **TAXATION** in the House on April 25, 2007.

Came from the Senate **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** in **NON-CONCURRENCE.**

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

COMMUNICATIONS

The Following Communication: (H.C. 237)

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. 79	An Act To Repeal the Excise Tax on New Motor Vehicles BY REQUEST
L.D. 459	An Act To Reduce the Excise Tax on New Vehicles
L.D. 460	An Act To Amend the Municipal Excise Tax Reimbursement Fund Law
L.D. 558	An Act To Create Fairness in the Motor Vehicle Excise Tax by Implementing the Recommendations of the Secretary of State's Task Force on Registration Fees
L.D. 760	An Act To Reduce the Excise Tax on Certain Commercial Vehicles
L.D. 1235	An Act Regarding Recreational Vehicle Excise Taxes
L.D. 1342	An Act To Enhance Energy Security by Requiring Greater Fuel Efficiency
L.D. 1460	An Act To Allow Maine Residents To More Fully Depreciate Their Motor Vehicles
L.D. 1483	An Act To Exempt a Portion of Rental Income from Taxation

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. 238)

STATE OF MAINE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE COMMITTEE ON TRANSPORTATION

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 Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 939 An Act To Permit Front-wheel Drive Vehicles To Have Front Studded Snow Tires Only

L.D. 1226 An Act To Protect Young Passengers of Transportation Providers

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

Sincerely,
S/Sen. Dennis S. Damon
Senate Chair
S/Rep. Boyd P. Marley
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 239)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
JOINT SELECT COMMITTEE ON JOINT RULES**

May 2, 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 Select Committee on Joint Rules has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 360 An Act To Identify the Methodology Used To Develop a Fiscal Note
- H.P. 267 Joint Order to Add Joint Rule 305-A, Research required on all bills and resolves referred to a Joint Standing Committee

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

Sincerely,
S/Sen. John Martin
Senate Chair
S/Rep. Stanley J. Gerzofsky
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 256)

**MAINE SENATE
123RD LEGISLATURE
OFFICE OF THE SECRETARY**

May 2, 2007
Honorable Glenn Cummings
Speaker of the House
2 State House Station
Augusta, ME 04333-0002

Dear Speaker Cummings:
In accordance with 3 M.R.S.A. §158 and Joint Rule 506 of the 123rd Maine Legislature, please be advised that the Senate today confirmed the following nominations:
Upon the recommendation of the Committee on Business, Research and Economic Development, the nomination of Honorable James O. Donnelly of Brewer and the nomination of Richard L. Kelso of Gardiner for reappointments to the Maine Rural Development Authority.

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Make Health Care Affordable, Accessible and Effective for All"

(H.P. 1322) (L.D. 1890)

Sponsored by Representative PINGREE of North Haven. (GOVERNOR'S BILL)

Cosponsored by President EDMONDS of Cumberland.

Committee on **INSURANCE AND FINANCIAL SERVICES** suggested and ordered printed.

REFERRED to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.

Sent for concurrence.

Bill "An Act To Protect the Lives and Health of Members of the Maine National Guard" (EMERGENCY)

(H.P. 1321) (L.D. 1889)

Sponsored by Speaker CUMMINGS of Portland. (GOVERNOR'S BILL)

Cosponsored by President EDMONDS of Cumberland and Representatives: ADAMS of Portland, AYOTTE of Caswell, BABBIDGE of Kennebunk, BARSTOW of Gorham, BEAUDETTE of Biddeford, BEAUDOIN of Biddeford, BEAULIEU of Auburn, BERRY of Bowdoinham, BLANCHARD of Old Town, BLANCHETTE of Bangor, BLISS of South Portland, BOLAND of Sanford, BRAUTIGAM of Falmouth, BRYANT of Windham, BURNS of Berwick, CAIN of Orono, CAMPBELL of Newfield, CANAVAN of Waterville, CARTER of Bethel, CASAVANT of Biddeford, CHASE of Wells, CLARK of Millinocket, CLEARY of Houlton, CONNOR of Kennebunk, CONOVER of Oakland, COTTA of China, CRAVEN of Lewiston, CRAY of Palmyra, CROCKETT of Augusta, CROSTHWAITE of Ellsworth, DILL of Cape Elizabeth, DRISCOLL of Westbrook, DUCHESNE of Hudson, DUNN of Bangor, EATON of Sullivan, EBERLE of South Portland, FAIRCLOTH of Bangor, FARRINGTON of Gorham, FINCH of Fairfield, FINLEY of Skowhegan, FISCHER of Presque Isle, FISHER of Brewer, FITTS of Pittsfield, FLETCHER of Winslow, FLOOD of Winthrop, GERZOFKY of Brunswick, GIFFORD of Lincoln, GILES of Belfast, GOULD of South Berwick, GREELEY of Levant, GROSE of Woolwich, HAMPER of Oxford, HANLEY of Gardiner, HARLOW of Portland, HASKELL of Portland, HAYES of Buckfield, HILL of York, HINCK of Portland, HOGAN of Old Orchard Beach, JACKSON of Allagash, JACOBSEN of Waterboro, JOY of Crystal, KNIGHT of Livermore Falls, KOFFMAN of Bar Harbor, LEWIN of Eliot, LUNDEEN of Mars Hill, MacDONALD of Boothbay, MAKAS of Lewiston, MARLEY of Portland, MAZUREK of Rockland, McDONOUGH of Scarborough, McFADDEN of Dennysville, McKANE of Newcastle, McLEOD of Lee, MILLER of Somerville, MILLETT of Waterford, MILLS of Farmington, MUSE of Fryeburg, NASS of Acton, NORTON of Bangor, PATRICK of Rumford, PENDLETON of Scarborough, PEOPLES of Westbrook, PERCY of Phippsburg, PERRY of Calais, PIEH of Bremen, PILON of Saco, PINEAU of Jay, PINGREE of North Haven, PINKHAM of Lexington Township, PIOTTI of Unity, PLUMMER of Windham, PRATT of Eddington, PRESCOTT of Topsham, PRIEST of Brunswick, RAND of Portland, RECTOR of Thomaston, RINES of Wiscasset, ROBINSON of Raymond, ROSEN of Bucksport, SAMSON of Auburn, SAVAGE of Falmouth, SAVIELLO of Wilton, SCHATZ of Blue Hill, SILSBY of Augusta, SIMPSON of Auburn, SIROIS of Turner, SMITH of Monmouth, SUTHERLAND of Chapman, TARDY of Newport, THERIAULT of Madawaska, THIBODEAU of

Winterport, TIBBETTS of Columbia, TREAT of Farmingdale, TRINWARD of Waterville, TUTTLE of Sanford, VALENTINO of Saco, VAUGHAN of Durham, WAGNER of Lewiston, WALCOTT of Lewiston, WALKER of Lincolnville, WATSON of Bath, WEBSTER of Freeport, WEDDELL of Frankfort, WHEELER of Kittery, WOODBURY of Yarmouth, Senators: BARTLETT of Cumberland, BENOIT of Sagadahoc, BRANNIGAN of Cumberland, BROMLEY of Cumberland, BRYANT of Oxford, COURTNEY of York, DAMON of Hancock, DIAMOND of Cumberland, DOW of Lincoln, GOOLEY of Franklin, HASTINGS of Oxford, HOBBS of York, MARRACHÉ of Kennebec, MARTIN of Aroostook, McCORMICK of Kennebec, MITCHELL of Kennebec, NASS of York, NUTTING of Androscoggin, PERRY of Penobscot, RAYE of Washington, SAVAGE of Knox, SCHNEIDER of Penobscot, SHERMAN of Aroostook, SNOWE-MELLO of Androscoggin, STRIMLING of Cumberland, SULLIVAN of York, WESTON of Waldo.

Committee on **LEGAL AND VETERANS AFFAIRS** suggested and ordered printed.
REFERRED to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.
Sent for concurrence.

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

ORDERS

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 24)
ORDERED, that Representative Robert A. Berube of Lisbon be excused April 24, April 25, April 26 and May 1 for personal reasons.
AND BE IT FURTHER ORDERED, that Representative Stephen P. Hanley of Gardiner be excused April 26 for personal reasons.
AND BE IT FURTHER ORDERED, that Representative Anne M. Haskell of Portland be excused May 1 for legislative business.
AND BE IT FURTHER ORDERED, that Representative Elizabeth S. Miller of Somerville be excused April 25 for legislative business.
READ and PASSED.

REPORTS OF COMMITTEE Ought to Pass Pursuant to Joint Order

Representative PIEH for the **Joint Standing Committee on Agriculture, Conservation and Forestry** on Bill "An Act To Designate Certain Rules of the Board of Pesticides Control as Major Substantive Rules" (EMERGENCY)
(H.P. 1323) (L.D. 1891)
Reporting **Ought to Pass** pursuant to Joint Order 2007, H.P. 1055.
Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE** and assigned for **SECOND READING** Tuesday, May 8, 2007.

Change of Committee

Representative MARLEY from the Committee on **TRANSPORTATION** on Bill "An Act To Ensure Safety on Freshwater Ferry Vessels"
(H.P. 1281) (L.D. 1838)

Reporting that it be **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE**.
Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE**.
Sent for concurrence.

Divided Report

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-54)** on Bill "An Act To Protect the Solemnity and Dignity of a Funeral or Memorial Service in Maine"

(S.P. 83) (L.D. 246)

Signed:
Senators:
DIAMOND of Cumberland
McCORMICK of Kennebec
SHERMAN of Aroostook

Representatives:
BLANCHETTE of Bangor
GREELEY of Levant
HANLEY of Gardiner
PLUMMER of Windham
TIBBETTS of Columbia
KAENRATH of South Portland
SYKES of Harrison

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

Signed:
Representatives:
GERZOFISKY of Brunswick
HASKELL of Portland
HILL of York

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-54)**.
READ.

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

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

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

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

ROLL CALL NO. 47

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Blanchette, Bliss, Boland, Brautigam, Browne W, Bryant, Cain, Campbell, Canavan, Carter, Casavant, Cebra, Chase, Clark, Cleary, Conover, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Dunn, Duprey, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Gould, Greeley, Grose, Hamper, Hanley S, Harlow, Hayes, Hill, Hogan, Hotham, Jackson, Jacobsen, Joy,

Kaenrath, Knight, Koffman, Lansley, Lewin, Lundeen, MacDonald, Makas, Marean, Mazurek, McDonough, McKane, McLeod, Miller, Millett, Mills, Miramant, Muse, Nass, Norton, Patrick, Peoples, Percy, Perry, Pieh, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Strang Burgess, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Treat, Trinward, Vaughan, Wagner, Walcott, Walker, Watson, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Haskell, Hinck.

ABSENT - Berry, Berube, Blanchard, Burns, Connor, Cressey, Emery, Marley, McFadden, Moore, Pendleton, Rand, Richardson E, Smith N, Sutherland, Tuttle, Valentino.

Yes, 131; No, 2; Absent, 17; Vacant, 1; Excused, 0.

131 having voted in the affirmative and 2 voted in the negative, 1 vacancy with 17 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-54)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 8, 2007.

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Exempt Housing Owned by Nonprofit Organizations for People with Disabilities from the Municipal Service Fee Laws"

(H.P. 1157) (L.D. 1648)

Signed:

Senator:

PERRY of Penobscot

Representatives:

RAND of Portland
 WOODBURY of Yarmouth
 HOTHAM of Dixfield
 CHASE of Wells
 PILON of Saco
 LANSLEY of Sabattus

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-171)** on same Bill.

Signed:

Senators:

STRIMLING of Cumberland
 NASS of York

Representatives:

PIOTTI of Unity
 KNIGHT of Livermore Falls
 CLARK of Millinocket
 WATSON of Bath

READ.

Representative PIOTTI of Unity moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **PIOTTI**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I want to tell you what this bill is about: Under current statute, Maine municipalities have the right to impose a service charge on a narrow section of nonprofit organizations that are exempt from property tax. Under

current law, that is limited to nonprofits providing residences of one sort or another. A narrow subset within that law is for residences that are being provided to people with disabilities. This bill would remove that portion of it, so that communities, who wish to charge a service fee, could not apply it to residences belonging to nonprofits to people with disabilities, serving people with disabilities.

We looked at this bill and there are relatively few organizations in the state that are involved, probably only two or three facilities in the state, where the municipality currently imposes such a fee. It is probably in the neighborhood of only \$1,000 or so for those municipalities in cost. For that reason, and because a lot people felt this is a sector where perhaps we should not be imposing fees, several members of the Committee were in favor of this bill, but not the Majority—the Majority is an Ought Not to Pass Report.

I am on the Minority, but I am very comfortable putting forward the Majority Report, here. The rationale, which I am very sensitive and respect, the rationale is, this is not the time to be removing any exemptions, anything that would put additional burden on local property taxes. So I am not here to try to persuade you one way or another. It is not a partisan Report in any way, as you can see. I merely wanted to give you information, but I am very comfortable moving the Majority Ought Not to Pass Report.

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

Representative **PILON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Municipalities should have the ability to put a service fee on these facilities. There are facilities that in towns, municipalities, that have these nonprofits. We have one in my town; my town has four facilities. It is just a matter of \$1,000 for these four facilities. It is cost to recover for trash removal, fire protection, and rescue. We do not feel that this is a burden on these nonprofits, and I would encourage you to support the Ought Not to Pass. Thank you.

Subsequently, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 563) (L.D. 1619) Bill "An Act To Amend the Laws Regarding Adult Education" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

(S.P. 87) (L.D. 250) Bill "An Act To Change Snowmobile Registration Requirements" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-70)**

(S.P. 155) (L.D. 468) Bill "An Act To Amend the Laws Governing Compulsory School Attendance" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-63)**

(S.P. 215) (L.D. 678) Bill "An Act To Limit the Eminent Domain Authority of a Transmission and Distribution Utility" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-62)**

(S.P. 244) (L.D. 795) Bill "An Act To Extend the Solar Energy Rebate Program" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-67)**

(S.P. 290) (L.D. 902) Bill "An Act To Amend the Maine Health Data Organization Laws" Committee on **HEALTH AND HUMAN**

SERVICES reporting Ought to Pass as Amended by Committee Amendment "A" (S-59)

(S.P. 349) (L.D. 1032) Bill "An Act To Improve Employment Opportunities for Persons with Disabilities in Maine" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-71)**

(S.P. 435) (L.D. 1249) Bill "An Act To Amend the Composition of the Maine Port Authority" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-68)**

(S.P. 497) (L.D. 1419) Bill "An Act To Implement the Recommendations of the Allagash Wilderness Waterway Working Group" (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-60)**

(H.P. 93) (L.D. 101) Bill "An Act To Enhance Screening for Breast Cancer" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-181)**

(H.P. 433) (L.D. 555) Bill "An Act To Protect Children from Lead Exposure by Requiring Sufficient Notice of Renovations" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-179)**

(H.P. 729) (L.D. 969) Resolve, Regarding Legislative Review of Chapter 316, Long Term Contracting and Resource Adequacy, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-178)**

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

**CONSENT CALENDAR
Second Day**

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

(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" (C. "A" S-56)

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

(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"

(H.P. 172) (L.D. 201) Bill "An Act To Increase the State's Share of Retired Teachers' Health Insurance" (C. "A" H-170)

(H.P. 346) (L.D. 430) Bill "An Act To Enable Unorganized Territory Townships To Become a Municipality" (C. "A" H-175)

(H.P. 372) (L.D. 488) Bill "An Act To Amend the Child Support Laws" (C. "A" H-174)

(H.P. 450) (L.D. 583) Bill "An Act To Permit Medical and Social Service Professionals To Report Animal Cruelty" (C. "A" H-172)

(H.P. 451) (L.D. 584) Bill "An Act Concerning Animal Control Officers as Mandated Reporters of Abuse" (C. "A" H-173)

(H.P. 515) (L.D. 666) Bill "An Act To Amend Maine's Abandoned Vehicle Laws" (C. "A" H-165)

(H.P. 792) (L.D. 1074) Bill "An Act To Amend the Maine Commercial Fertilizer Law" (C. "A" H-166)

(H.P. 893) (L.D. 1265) Bill "An Act To Keep Private Road Maintenance Costs Affordable" (C. "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" (C. "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" (C. "A" H-167)

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

**BILLS IN THE SECOND READING
House**

Resolve, To Preserve Maine's Electric Energy Infrastructure (H.P. 920) (L.D. 1302)

House as Amended

Bill "An Act To Require Alien Big Game Hunters To Be Accompanied by a Guide"

(H.P. 90) (L.D. 98)
(C. "A" H-159)

Bill "An Act To Prohibit the Use of Nonnative Baifish"

(H.P. 145) (L.D. 163)
(C. "A" H-66)

Bill "An Act To Address the Evaluations of Certain School Employees"

(H.P. 237) (L.D. 293)
(C. "A" H-143)

Bill "An Act To Equalize MaineCare Reimbursements to Hospitals"

(H.P. 499) (L.D. 650)
(C. "A" H-162)

Bill "An Act To Clarify That Senior Lifetime Hunting Licenses Include the Right To Hunt Turkey"

(H.P. 599) (L.D. 783)
(C. "A" H-149)

Bill "An Act To Clarify the Definition of 'Personal Watercraft'"

(H.P. 673) (L.D. 888)
(C. "A" H-153)

Bill "An Act To Support Central Maine Community College"

(H.P. 684) (L.D. 909)
(C. "A" H-146)

Bill "An Act To Set Standards for Interviewing Children Who Are Subjects of a Child Protective Intervention"

(H.P. 1051) (L.D. 1501)
(C. "A" H-140)

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

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

ENACTORS

Emergency Measure

An Act To Update Absentee Ballot Procedures
(H.P. 512) (L.D. 663)
(C. "A" H-102)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 128 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Concerning Applications Processed by the Maine Land Use Regulation Commission
(H.P. 526) (L.D. 695)
(C. "A" H-95)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 103 voted in favor of the same and 25 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Establish the Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2008
(H.P. 594) (L.D. 776)
(C. "A" H-100)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 130 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Provide Gambling Addiction Counseling Services through the Office of Substance Abuse
(H.P. 747) (L.D. 987)
(C. "A" H-110)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 112 voted in favor of the same and 19 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Allow Municipal Cost Sharing for County Services
(H.P. 828) (L.D. 1135)
(C. "A" H-81)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 129 voted in favor of the same and 3 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Regarding the Terms of Members of the Maine State Museum Commission
(H.P. 885) (L.D. 1257)
(C. "A" H-105)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 132 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Establish the Columbia Falls Village Water District
(H.P. 921) (L.D. 1303)
(C. "A" H-112)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 132 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Amend the Fryeburg Water District Charter
(H.P. 1165) (L.D. 1656)
(C. "A" H-114)

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

Representative **BLISS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Two years ago, the good Representative from Fryeburg came to the Utilities and Energy Committee with her very first bill: It was a bill about the Fryeburg Water District. She was scared to death. We were very nice to her, we passed her bill, and she promised she would never come back to us again.

This year that Representative, obviously forgetting her promise, came back to the Utilities and Energy Committee not only with a bill for our Committee, but with another bill for the Fryeburg Water District. This bill intrudes upon land owned by our sovereign sister state, New Hampshire. I confess I owe the good Representative an apology because I did not realize this at the time that the bill was being worked in my Committee, but I need to publicly announce today that I cannot support this bill. I urge my colleagues to join me in a no vote. Thank you.

The SPEAKER: The Chair recognizes the Representative from Fryeburg, Representative Muse.

Representative **MUSE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Scared to death? I am a teacher. As you know, Fryeburg has been in water trouble, in hot water, for a long time. Yes, we did pass enabling legislation last term to allow the town to create a water district, by purchasing the currently privately owned water company, if it would like to do so. In the meantime, it has accepted that Charter, voted to form a district, elected its commissioners, and started its preliminary negotiations to do so. In the course of doing that it has discovered a couple of problems, a couple of wording hurdles, in the original Charter. To address those hurdles, I did put forth legislation, amending legislation, and let me explain those two little changes to you.

One of them is to, a correction that would allow us to purchase stock, instead of actually purchasing the assets, in order to acquire that area. The second part, and this is where the

objection comes in, is to make it okay to own assets in East Conway. This is a portion of the current water company that has been owned for over 100 years and served over 100 years. The reason it has been served is that you cannot get there from here. In order to get to the rest of the Fryeburg Water District, people would have to go through East Conway, and just being nice neighbors, they have served that small portion of our neighboring state for a long, long time.

So it would make those changes to the bill. It was voted through unanimously at the time. This, even with the changes, would still need the vote of the public in order to happen. After the acquisition is made, hopefully soon, the stock would be liquidated. So, if you would like to help me put the public back in charge of its water in Fryeburg, please vote with me. Thank you.

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

Representative JACKSON: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In fairness to the good Representative from Fryeburg, Representative Muse, I am sorry, but I do not care if there are people in Fryeburg that are bursting of spontaneous combustion for lack of water—a promise is a promise. She promised the good Representative from Portland.

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

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

The SPEAKER: The Representative may pose his question.

Representative KOFFMAN: Thank you Mr. Speaker. I wanted to ask the Representative from Fryeburg if there are any vernal pools involved in this legislation.

The SPEAKER: The Representative from Bar Harbor, Representative Koffman has posed a question through the Chair to anyone who may care to respond. Seeing, none.

The pending question before the House is Enactment. All those in favor will vote yes, those opposed will vote no.

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 138 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 100: Enforcement Procedures, a Major Substantive Rule of the Maine Health Data Organization

(H.P. 41) (L.D. 40)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 136 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Chapter 324: ConnectME Tax Reimbursements, a Major Substantive Rule of Maine Revenue Services

(H.P. 537) (L.D. 716)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being

necessary, a total was taken. 132 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of ConnectME Authority, Chapter 101, a Major Substantive Rule of the Governor's Office

(H.P. 586) (L.D. 765)

(C. "A" H-79)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 127 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

ENACTORS

Emergency Measure

Resolve, Authorizing Municipalities To Consolidate Voting Districts for a Special Election

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

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 114 voted in favor of the same and 19 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

Acts

An Act To Recognize Gold Star Parents and Family Members

(H.P. 60) (L.D. 62)

(C. "A" H-84)

An Act To Temporarily Reduce the Fee To Operate High-stakes Beano

(H.P. 74) (L.D. 76)

(C. "A" H-83)

An Act To Amend the Laws Pertaining to Beano

(H.P. 119) (L.D. 127)

(C. "A" H-115)

An Act To Amend and Improve the Education Laws Concerning Portable Space and Rule-making Authority

(H.P. 132) (L.D. 150)

(C. "A" H-92)

An Act To Clarify and Expand Maine Criminal Laws Related to Sexual Assault

(H.P. 191) (L.D. 220)

(C. "A" H-93)

An Act To Improve Access to HIV Testing in Health Care Settings

(H.P. 345) (L.D. 429)

(C. "A" H-90)

An Act To Provide for Enforcement of Land Use Limitations Relating to Cemeteries

(H.P. 401) (L.D. 523)
(C. "A" H-109)
An Act Relating to Liquor Samples

(H.P. 469) (L.D. 620)
(C. "A" H-101)
An Act To Promote the Safety of Deaf or Hard-of-hearing Drivers

(H.P. 561) (L.D. 740)
(C. "A" H-98)
An Act To Strengthen Rural Community Investment

(S.P. 239) (L.D. 790)
(C. "A" S-52)
An Act To Provide an Energy Allowance to At-home Patients Using Ventilators

(H.P. 613) (L.D. 813)
(C. "A" H-89)
An Act To Change the Name of the Division of Labor Market Information Services to the Center for Workforce Research and Information

(H.P. 643) (L.D. 844)
An Act To Amend Certain Animal Health Laws

(H.P. 731) (L.D. 971)
(C. "A" H-80)
An Act To Improve Transportation for Veterans

(S.P. 316) (L.D. 999)
(C. "A" S-55)
An Act To Appropriate Funds To Restore Clam Flats in Stockton Harbor

(H.P. 754) (L.D. 1036)
(C. "A" H-88)
An Act Regarding Cable Television Service Outages

(H.P. 781) (L.D. 1063)
(C. "A" H-111)
An Act To Create an Ownership Interest in Agency Liquor Store Licenses

(H.P. 817) (L.D. 1124)
(C. "A" H-116)
An Act To Further Limit Retrospective Denials of Previously Paid Health Insurance Claims

(S.P. 406) (L.D. 1218)
An Act To Create a Utility District in Edgecomb

(H.P. 974) (L.D. 1382)
(C. "A" H-113)
An Act To Modify Daylight Savings Time According to Federal Statute

(H.P. 1172) (L.D. 1663)
Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Resolves

Resolve, To Provide Access for Persons with Disabilities to Great Ponds
(H.P. 24) (L.D. 21)
(C. "A" H-82)

Resolve, To Develop an Appropriate Commemorative License Plate Decal for Combat Service
(H.P. 379) (L.D. 495)
(C. "A" H-107)

Resolve, To Direct the Secretary of State To Examine Driver's License Laws
(H.P. 612) (L.D. 812)
(C. "A" H-99)

Resolve, Requiring the Department of Education To Review the Personnel Preparation and Professional Development Opportunities for Special Purpose School Teachers
(H.P. 734) (L.D. 974)
(C. "A" H-103)

Resolve, To Establish the Maine Civil War Sesquicentennial Commission
(H.P. 809) (L.D. 1091)
(C. "A" H-85)

Resolve, Directing the Department of Environmental Protection and the Public Utilities Commission To Develop a Program That Supports the Recycling of Fluorescent Lamps
(H.P. 876) (L.D. 1234)
(C. "A" H-97)

Resolve, Directing the Department of Agriculture, Food and Rural Resources To Study Invasive Terrestrial Plant Species
(H.P. 1016) (L.D. 1447)
(C. "A" H-91)

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

An Act To Require a Model Radon Standard for New Residential Construction
(H.P. 101) (L.D. 109)
(C. "A" H-78)

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

On motion of Representative PINGREE of North Haven, 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. 48

YEA - Adams, Annis, Austin, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchette, Bliss, Boland, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Cebra, Chase, Clark, Cleary, Connor, Conover, Cotta, Craven, Crockett, Dill, Duchesne, Dunn, Eaton, Eberle, Edgecomb, Farrington, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Giles, Gould, Greeley, Grose, Hamper, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jackson, Jacobsen, Kaenrath, Knight, Koffman, Lansley, Lewin, Lundeen, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, McKane, Miller, Millett, Mills, Miramant, Muse, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Pieh, Pilon, Pingree, Piotti, Plummer, Pratt, Prescott, Priest, Rand, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Strang Burgess, Sykes, Tardy, Theriault, Thibodeau, Tibbetts, Treat, Trinward, Tuttle, Wagner, Walcott, Walker, Watson, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Ayotte, Cray, Curtis, Gifford, Joy, McLeod, Pinkham, Thomas, Vaughan.

ABSENT - Blanchard, Cressey, Crosthwaite, Driscoll, Duprey, Emery, Faircloth, Hotham, McFadden, Moore, Perry, Pineau, Rector, Richardson E, Smith N, Sutherland, Valentino.

Yes, 124; No, 9; Absent, 17; Vacant, 1; Excused, 0.

124 having voted in the affirmative and 9 voted in the negative, 1 vacancy with 17 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 Governing Credit Card Companies

(S.P. 302) (L.D. 951)
(C. "A" S-48)

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

On motion of Representative PINGREE of North Haven, 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. 49

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchette, Bliss, Boland, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Chase, Clark, Cleary, Connor, Conover, Cotta, Craven, Cray, Crockett, Dill, Duchesne, Dunn, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fletcher, Flood, Gerzofsky, Gifford, Giles, Greeley, Grose, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jackson, Jacobsen, Kaenrath, Koffman, Lundeen, Makas, Marean, Marley, Mazurek, McDonough, McLeod, Miller, Millett, Mills, Miramant, Muse, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Pieh, Pilon, Pingree, Piotti, Pratt, Priest, Rand, Rector, Richardson D, Richardson W, Rines, Rosen, Saviello, Schatz, Silsby, Simpson, Sirois, Strang Burgess, Sykes, Tardy, Theriault, Thibodeau, Tibbetts, Treat, Trinward, Tuttle, Wagner, Walcott, Walker, Watson, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Cebra, Curtis, Fitts, Gould, Hamper, Joy, Knight, Lansley, Lewin, McKane, Pinkham, Prescott, Robinson, Samson, Savage, Thomas, Vaughan.

ABSENT - Blanchard, Cressey, Crosthwaite, Driscoll, Duprey, Emery, Hotham, MacDonald, McFadden, Moore, Perry, Pineau, Plummer, Richardson E, Smith N, Sutherland, Valentino.

Yes, 116; No, 17; Absent, 17; Vacant, 1; Excused, 0.

116 having voted in the affirmative and 17 voted in the negative, 1 vacancy with 17 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Increase College Attainment

(H.P. 758) (L.D. 1040)
(C. "A" H-104)

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

On motion of Representative PINGREE of North Haven, was **SET ASIDE**.

On motion of Representative HANLEY of Gardiner, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-104)** was **ADOPTED**.

On further motion of the same Representative, **Committee Amendment "A" (H-104)** was **INDEFINITELY POSTPONED**.

The same Representative **PRESENTED House Amendment "A" (H-180)** which was **READ** by the Clerk.

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

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

The SPEAKER: The Representative may pose his question.

Representative **JOY**: Thank you Mr. Speaker. Does this mean that the school no longer has to bear the cost of the application for the student?

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

Representative **HANLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This Amendment was by the Committee on Engrossed Bills for a minor technical change. I cannot answer that question, I am not really sure. I believe that they still do, but I am not certain.

Subsequently, **House Amendment "A" (H-180)** was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-180)** in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

An Act Requiring the Development of Codes of Ethics by Component Units and Other Related Organizations of State Government

(H.P. 928) (L.D. 1320)

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

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

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

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

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

ROLL CALL NO. 50

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchette, Bliss, Boland, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Cebra, Chase, Clark, Cleary, Connor, Conover, Cotta, Craven, Cray, Crockett, Curtis, Dill, Duchesne, Dunn, Eaton, Eberle, Edgecomb, Emery, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Gould, Greeley, Grose, Hamper, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jackson, Jacobsen, Joy, Kaenrath, Knight, Koffman, Lansley, Lewin, Lundeen, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, McKane, McLeod, Miller, Millett, Mills, Miramant, Muse, Nass, Norton, Patrick, Pendleton, Percy, Pieh, Pilon, Pingree, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rand, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Strang Burgess, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Treat, Trinward, Tuttle, Vaughan, Wagner, Walcott,

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

NAY - NONE.

ABSENT - Blanchard, Cressey, Crosthwaite, Driscoll, Duprey, Hotham, McFadden, Moore, Peoples, Perry, Pineau, Rector, Richardson E, Smith N, Sutherland, Valentino.

Yes, 134; No, 0; Absent, 16; Vacant, 1; Excused, 0.

134 having voted in the affirmative and 0 voted in the negative, 1 vacancy with 16 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.

SENATE DIVIDED REPORT - Majority (10) **Ought Not to Pass** - Minority (3) **Ought to Pass as Amended by Committee Amendment "A" (S-66)** - Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Prohibit a Person from Serving as Both Municipal Tax Collector and Treasurer"

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

- In Senate, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

TABLED - May 2, 2007 (Till Later Today) by Representative JOY of Crystal.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

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

HOUSE DIVIDED REPORT - Majority (12) **Ought to Pass as Amended by Committee Amendment "A" (H-168)** - Minority (1) **Ought Not to Pass** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend Truancy Laws Regarding Parent Involvement"

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

TABLED - May 2, 2007 (Till Later Today) by Representative NORTON of Bangor.

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

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

Representative **NORTON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I happen to notice on the Committee Amendment "A" that there was an error in the Summary and I just simply wanted to clear up the confusion. In the Summary on the Amendment, it reads "students 7 years of age and older" and actually if you turn back to the first page of the Amendment, at the bottom, the 33rd line, it is very clear that this is only children 7 through grade 6. I was afraid that might cause some confusion and so I tabled it and that is the only reason.

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

The Bill was **READ ONCE**. Committee Amendment "A" (H-168) was **READ** by the Clerk.

Representative FISCHER of Presque Isle **REQUESTED** a roll call on the motion to **ADOPT Committee Amendment "A"**.

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

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

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

The SPEAKER: The Representative may pose her question.

Representative **RAND**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Could somebody give us a one-minute summary of what this bill does, please?

The SPEAKER: The Representative from Portland, Representative Rand has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bangor, Representative Norton.

Representative **NORTON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will take a stab at it. This was a 12-1 Report. This truancy bill applies to a very narrow population: children age 7-11, essentially. The children of this age are very impressionable and we are trying to set good habits with them, in having them understand that attending school and being on time is important. Frankly, with children this age, it is not generally their fault when they are truant. That is pretty much what it is about.

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

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

The SPEAKER: The Representative may pose her question.

Representative **BLANCHETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. To anyone in the body can answer this, what is the penalty regarding the truancy? If a child is picked up, I need to know whether it is a jail sentence, a fine on the parents, or what is going to happen because that is going to weigh greatly on how any number of us are casting our vote. Thank you.

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

Representative **BLANCHETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In the absence of an answer to a very valid question, I would request that this item be tabled until later in today's session.

The SPEAKER: A tabling motion is not debatable.

On motion of Representative PINGREE of North Haven, **TABLED** pending **ADOPTION of Committee Amendment "A"** and later today assigned. (Roll Call Ordered)

SENATE PAPERS

The following Joint Order: (S.P. 688)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, May 8, 2007 at 10:00 in the morning.

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

Pursuant to Resolve

Joint Standing Committee on Natural Resources

Report of the **Joint Standing Committee on Natural Resources** pursuant to Resolve 2005, chapter 140, section 3 asks leave to report that the accompanying Bill "An Act To Implement Recommendations of the Drinking Water Program Regarding Public Water Supply Protection"

(S.P. 687) (L.D. 1888)

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

Came from the Senate, Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

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

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

Representative **PENDLETON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. In reference to Roll Call No. 47 on LD 246, had I been present I would have voted yes.

The SPEAKER: The Chair recognizes the Representative from Livermore Falls, Representative Knight who wishes to address the House on the record.

Representative **KNIGHT**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. In reference to Roll Call No. 34 on LD 66, had I been present I would have voted yes. In reference to Roll Call 35 on LD 419, had I been present I would have voted nay. I reference to Roll Call 36 on LD 16, had I been present I would have voted yes. Finally, in reference to Roll Call No. 37 on LD 24, had I been present I would have voted nay.

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

Representative **BERRY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. In reference to Roll Call No. 47 on LD 246, had I been present I would have voted yes.

REPORTS OF COMMITTEE Divided Report

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Appropriate Funds for the Katahdin Cultural Center" (H.P. 1181) (L.D. 1683)

Signed:

Senators:

BOWMAN of York
MITCHELL of Kennebec
MILLS of Somerset

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-182)** on same Bill.

Signed:

Representatives:

MAKAS of Lewiston
HARLOW of Portland
McFADDEN of Dennyville

READ.

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

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

Representative **CLARK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I have been here awhile so I know what is going to happen to this bill, but I think I must say a few words on behalf of the people who came down from the Katahdin area, to make their case to the Committee.

On an extreme inclement day, 16 of them traveled from northern Maine, to come down here to face the Committee one-on-one, to give their presentation on the Cultural Center from the Katahdin area. I must commend those people who risked their lives to come down here and put their case on. It was one heck of a presentation that they gave to the Committee. I am saddened to the point that we had to air our dirty laundry in front of the Committee, being a town that is divisive on this project—a split with the Town Council, 4-3.

I can assure you now that the email does work. It showed in that Committee, emails work much better than coming to the Committee, facing the Committee one-on-one. I was saddened by that, but I am a realist to know that with a Report that we have in front us, that this will not go any further. I do not plan on fighting it, I just want to make a statement to the Committee: It saddens me that 16 people gave up the whole day to come to Augusta in extreme inclement weather, that it did not mean very much, as far as I am concerned, to the Committee. Thank you very much, Mr. Speaker.

Subsequently, 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**.

On motion of Representative PRIEST of Brunswick, the House adjourned at 12:23 p.m., until 10:00 a.m., Tuesday, May 8, 2007 pursuant to the Joint Order (S.P. 688).