

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
37th Legislative Day
Tuesday, May 8, 2007

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

Prayer by Reverend Richard A. Bamforth, Augusta (retired).

National Anthem by Sacopee Valley Junior-Senior High School Chorus, Hiram.

Pledge of Allegiance.

The Journal of Thursday, May 3, 2007 was read and approved.

SENATE PAPERS

Non-Concurrent Matter

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

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

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in the House on May 2, 2007.

Came from the Senate with that Body having **ADHERED** to its former action whereby the Bill was **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** in **NON-CONCURRENCE**.

On motion of Representative BARSTOW of Gorham, the House voted to **INSIST** and **ASK** for a **COMMITTEE OF CONFERENCE**.

COMMUNICATIONS

The Following Communication: (H.C. 241)

STATE OF MAINE

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

May 3, 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. 931 Resolve, To Examine Eligibility for MaineCare Long-term Care Services

L.D. 957 An Act To Enact a Five-point Welfare Reform Plan

L.D. 990 An Act To Assist Children Who Are Not Receiving Court-ordered Child Support Payments

L.D. 1187 An Act To Recoup Health Care Funds through the Maine False Claims Act

L.D. 1286 An Act To Impose Tighter Controls over Addictive Prescription Drugs

L.D. 1354 Resolve, To Direct the Department of Health and Human Services To Establish a Physician Specialist Program

L.D. 1437 An Act To Review Prescription Drug Prior Authorization under MaineCare

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. 242)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

May 3, 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 Legal and Veterans Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 348 An Act To Limit Contributions to Political Action Committees

L.D. 490 An Act To Clarify Reporting of Contributions and Expenditures by Persons Involving a Ballot Question

L.D. 508 An Act Concerning Citizens' Initiatives and Public Disclosure of Influence

L.D. 1051 An Act To Provide Information to the Public Regarding Lobbying and Lobbyists

L.D. 1233 An Act To Amend Requirements for Participation of Gubernatorial Candidates under the Maine Clean Election Act

L.D. 1316 An Act To Define Campaign Communications Requiring Matching Clean Election Funding

L.D. 1317 An Act To Require a Minimum Number of Votes in a Primary To Continue To Qualify as a Maine Clean Election Act Candidate

L.D. 1497 An Act To Improve Local Control over Bars

L.D. 1499 An Act To Improve the Maine Clean Election Act

L.D. 1547 An Act To Prohibit a Maine Clean Election Act Candidate from Recruiting a Primary Opponent

L.D. 1577 An Act To Address the Pervasive Effect of Substance Abuse in Maine

L.D. 1679 An Act To Change and Clarify the Maine Clean Election Laws

L.D. 1680 An Act To Reform and Simplify the Clean Election Process

L.D. 1682 An Act To Improve Maine's Clean Election Law

L.D. 1723 An Act To Streamline the Beano Laws

L.D. 1724 An Act To Strengthen the Maine Clean Election Act

L.D. 1729 An Act To Allow Contributors to Candidates Financed by the Maine Clean Election Fund To Submit Qualifying Contributions Online

L.D. 1740 An Act To Amend the Maine Clean Election Act

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

Sincerely,
S/Sen. Lisa T. Marraché
Senate Chair
S/Rep. John L. Patrick

House Chair

READ and ORDERED PLACED ON FILE.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills were received, and upon the recommendation of the Committee on Reference of Bills were **REFERRED** to the following Committees, ordered printed and sent for concurrence:

HEALTH AND HUMAN SERVICES

Bill "An Act To Include Institutions Providing an Educational Program among Entities Eligible To Borrow from the Maine Health and Higher Educational Facilities Authority"

(H.P. 1332) (L.D. 1899)

Sponsored by Representative ADAMS of Portland.

Cosponsored by President EDMONDS of Cumberland and Representative: Speaker CUMMINGS of Portland.

INSURANCE AND FINANCIAL SERVICES

Bill "An Act To Ensure Affordable Health Care for Maine Families through Shared Responsibilities"

(H.P. 1326) (L.D. 1894)

Sponsored by Representative BRAUTIGAM of Falmouth.

LEGAL AND VETERANS AFFAIRS

Bill "An Act To Amend the Laws Pertaining to Lobbying"

(H.P. 1331) (L.D. 1898)

Sponsored by Representative CANAVAN of Waterville.

Cosponsored by President EDMONDS of Cumberland and Representatives: CROCKETT of Augusta, PINGREE of North Haven, SAVAGE of Falmouth, TRINWARD of Waterville, Senator: DOW of Lincoln.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

MARINE RESOURCES

Bill "An Act To Create Jobs through the Establishment of a Fund To Enhance Maine's Marine Resource Economy"

(H.P. 1325) (L.D. 1893)

Sponsored by Representative EMERY of Cutler.

Cosponsored by Senator DAMON of Hancock and Representatives: CROSTHWAITE of Ellsworth, Speaker CUMMINGS of Portland, FAIRCLOTH of Bangor, PINGREE of North Haven, TARDY of Newport, Senators: MARTIN of Aroostook, ROSEN of Hancock, WESTON of Waldo.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

TAXATION

Bill "An Act To Allow the City of Auburn To Adjust the Definition of 'Original Assessed Value' for the City of Auburn's Mall Area Municipal Tax Increment Financing District and the City of Auburn's Downtown Area Municipal Tax Increment Financing District"

(H.P. 1324) (L.D. 1892)

Sponsored by Representative SAMSON of Auburn.

Cosponsored by Senator SNOWE-MELLO of Androscoggin and Representatives: BABBIDGE of Kennebunk, BEAUDETTE of Biddeford, BEAULIEU of Auburn, CONNOR of Kennebunk,

Speaker CUMMINGS of Portland, MILLETT of Waterford, SMITH of Monmouth, TARDY of Newport.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **TAXATION** suggested.

On motion of Representative PIOTTI of Unity, the Bill was **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, ordered printed and sent for concurrence.

**Pursuant to Public Law
Department of Corrections**

Representative GERZOFKY for the **Department of Corrections** pursuant to Public Law 2005, chapter 667 asks leave to report that the accompanying Bill "An Act To Implement the Recommendations of the Corrections Alternatives Advisory Committee"

(H.P. 1327) (L.D. 1895)

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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

ORDERS

On motion of Representative PATRICK of Rumford, the following Joint Order: (H.P. 1328)

ORDERED, the Senate concurring, that the Joint Standing Committee on Legal and Veterans Affairs shall submit, to the House, legislation to make substantive changes regarding the Maine Clean Election Act.

READ and PASSED.

Sent for concurrence.

On motion of Representative PATRICK of Rumford, the following Joint Order: (H.P. 1329)

ORDERED, the Senate concurring, that the Joint Standing Committee on Legal and Veterans Affairs shall submit, to the House, legislation to make minor changes to laws governing central voter registration.

READ and PASSED.

Sent for concurrence.

On motion of Representative PRIEST of Brunswick, the following Joint Order: (H.P. 1330)

ORDERED, the Senate concurring, that the Commission To Study Strategies To Promote Financial Literacy is established as follows.

1. Commission To Study Strategies To Promote Financial Literacy established. The Commission To Study Strategies To Promote Financial Literacy, referred to in this order as "the commission," is established.

2. Membership. The commission consists of the following 9 members: 3 Senators appointed by the President of the Senate and 6 members of the House of Representatives appointed by the Speaker of the House. The 9 members must include at least 2 members from each of the following joint standing committees:

the Joint Standing Committee on Education and Cultural Affairs; the Joint Standing Committee on Judiciary; and the Joint Standing Committee on Insurance and Financial Services.

3. Participation of state agencies; interested persons. The commission may request the participation of and seek the advice and expertise of the Treasurer of State, the Attorney General and the Department of Professional and Financial Regulations in carrying out its duties. The commission shall request input from interested parties representing the interests of kindergarten to grade 12 education, adult education, higher education, financial institutions, nonprofit financial literacy education providers, employers, labor and consumers. In conducting its duties, the commission may meet with any other individuals, departments, organizations or institutions it considers appropriate.

4. Appointments; convening of committee. All appointments must be made no later than 30 days following the adjournment of the First Regular Session of the 123rd Legislature. The first-named members appointed from each body are co-chairs of the commission.

5. Duties. The commission shall:

- A. Review the experience in Maine and in other states with promoting and teaching financial literacy to children and adults;
- B. Review the existing federal, state and private resources relating to financial literacy education;
- C. Develop recommendations for the best methods for teaching financial literacy to children and adults;
- D. Consider the establishment of a clearinghouse to make financial literacy educational materials widely accessible to the public; and
- E. Develop recommendations for legislation or other government action to promote the development of financial literacy education programs in this State.

6. Staff assistance. The Legislative Council shall provide necessary staffing services to the commission.

7. Compensation. Legislative members of the commission are entitled to receive the legislative per diem and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the commission.

8. Report. No later than December 5, 2007, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Joint Standing Committee on Insurance and Financial Services and the Legislative Council. The Joint Standing Committee on Insurance and Financial Services is authorized to introduce legislation related to its report to the Second Regular Session of the 123rd Legislature related to the recommendations in the commission's report.

9. Extension. If the commission requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension.

10. Budget. The chairs of the commission, with assistance from the commission staff, shall administer the commission's budget. Within 10 days after its first meeting, the commission shall present a work plan and proposed budget to the Legislative Council for its approval. The commission may not incur expenses that would result in the commission's exceeding its approved budget. Upon request from the commission, the Executive Director of the Legislative Council shall promptly provide the commission chairs and staff with a status report on the commission's budget, expenditures incurred and paid and available funds.

READ.

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

Representative **PRIEST**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a result of a bill, which is presented to the Insurance and Financial Services Committee concerning financial literacy. We have heard a great deal about problems with financial literacy with many of Maine's people, especially our younger people. We have heard concerns not only about adults, but college kids getting credit cards when they should not be getting credit cards, indeed many of them having no income and still getting credit cards. The concern is what you do about it.

The difficulty we have in this state is that we can regulate Maine banks and Maine credit cards, but we cannot regulate national banks. That puts us in a very difficult position at times. Therefore, the Committee decided that this was an area which needed some study. Not only did it need study by our Committee, but we thought it needed study by some members of the Education Committee because a lot of this involves schools, and also by the Judiciary Committee because they too are hearing a bill—which I hope this does not affect but which would be very important to us—which concerns funding for financial literacy programs.

So as a result, we have on this Joint Order a Study Committee, which will consist of members of the Insurance and Financial Services Committee, the Judiciary Committee, and the Education Committee. They will study this matter and bring the Report to us, and hopefully it will result in some legislation which will deal as best as we can with this very important area. I would urge that you pass the Order. Thank you.

Subsequently, the Joint Order was **PASSED**.
Sent for concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the LifeFlight Foundation, based in Union, which was the recipient of the first-ever Excellence in Community Service Award by the National Association of Air Medical Services. In 1998, LifeFlight filled a dire need for an air medical resource; at that time, Maine was the only state without access to such an asset. LifeFlight offers life-saving air medical transport services to ill and injured patients. Travel times to major trauma and specialty care centers are now significantly reduced, thereby increasing the likelihood of recovery and survival for those perilously ill or severely injured. Recognized as a national model in the safety and quality of air medical transport, the foundation's infrastructure project clearly demonstrates a broad-based continuing commitment to communities, hospitals and EMS agencies across the State. We acknowledge the LifeFlight Foundation for its faithfulness in ensuring the safety and well-being of all Maine citizens;

(HLS 368)

Presented by Representative RECTOR of Thomaston.
Cosponsored by Senator SAVAGE of Knox, President EDMONDS of Cumberland, Senator MARTIN of Aroostook, Senator WESTON of Waldo, Senator ROSEN of Hancock, Senator NASS of York, Senator COURTNEY of York, Senator HASTINGS of Oxford, Senator SNOWE-MELLO of Androscoggin, Senator McCORMICK of Kennebec, Representative TARDY of Newport, Representative CROSTHWAITE of Ellsworth, Representative CLARK of Millinocket, Representative JOY of Crystal, Representative

MILLETT of Waterford, Representative CANAVAN of Waterville, Representative NORTON of Bangor, Representative AUSTIN of Gray, Representative CAMPBELL of Newfield, Representative BARSTOW of Gorham, Representative LEWIN of Eliot, Representative MAKAS of Lewiston, Representative MOORE of Standish, Representative SAVIELLO of Wilton, Representative SMITH of Monmouth, Representative VAUGHAN of Durham, Representative PIEH of Bremen, Representative BRYANT of Windham, Representative DUCHESNE of Hudson, Representative EDGECOMB of Caribou, Representative FITTS of Pittsfield, Representative LANSLEY of Sabattus, Representative McFADDEN of Dennysville, Representative NASS of Acton, Representative PILON of Saco, Representative ROSEN of Bucksport, Representative SCHATZ of Blue Hill, Representative WEBSTER of Freeport, Representative BEAULIEU of Auburn, Representative CASAVANT of Biddeford, Representative FINLEY of Skowhegan, Representative GOULD of South Berwick, Representative HILL of York, Representative KNIGHT of Livermore Falls, Representative MacDONALD of Boothbay, Representative PRATT of Eddington, Representative SAMSON of Auburn, Representative SAVAGE of Falmouth, Representative SILSBY of Augusta, Representative SIROIS of Turner, Representative STRANG BURGESS of Cumberland, Representative TIBBETTS of Columbia, Representative WALKER of Lincolnville.

On **OBJECTION** of Representative RECTOR of Thomaston, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Thomaston, Representative Rector.

Representative **RECTOR**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. It gives me enormous pleasure and pride to recognize the LifeFlight Foundation, in their receiving this first ever distinction from the National Association of Air Medical Services. For those of us familiar with LifeFlight's exceptional service in our communities, we recognize the quality of this service since its inception, that a first ever award was created to honor that excellent service may come as no surprise. I would suggest that there is not a member of this Body, who does not have a community that has been served by the LifeFlight team. Countless lives have been saved through quick and highly skilled responses, it is what we come to expect.

Such extraordinary service does not come without great leadership. My constituent and friend, Tom Judge, has provided just such leadership and vision for LifeFlight of Maine. It is with enormous pride that we recognize this great lifesaving Maine institution, and honor its prominence and high standards, as recognized throughout the nation. LifeFlight is still depending on all of us to honor commitments made to responsibly act on an imposed liability for sales tax. In the context of this national recognition, let us redouble our commitment, to be certain that we do the right thing and support LifeFlight, so that their continued leadership will remain a source of pride for us all. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative **PIEH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Many years ago we had a helicopter service in Maine that ended in tragedy, and many of us in Maine were very, very hesitant to have something happen again. LifeFlight began with a stacked deck against them, when they began their helicopter service. Today they are known throughout this country, and even globally, as being one of the best in the country.

My husband was at a training just last week at Maryland Shock Trauma in Baltimore, Maryland. It is run by Johns Hopkins University Hospital and Maryland University, and when he said he was affiliated with LifeFlight, they said they are the best. These are folks that have up to 24 helicopters in the air at any given time, and LifeFlight has risen to the top level of service. They have done training in Europe and Britain, to help share with other countries that have rural, needy communities throughout. I hope that we can give them all of the support we can. Thank you very much.

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

REPORTS OF COMMITTEE
Change of Committee

Representative PIEH from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, To Establish a Stakeholder Group for the Establishment of Site Requirements for Wind Power

(H.P. 1153) (L.D. 1644)

Reporting that it be **REFERRED** to the Committee on **UTILITIES AND ENERGY**.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **UTILITIES AND ENERGY**.

Sent for concurrence.

Representative JACKSON from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Protect Inland Water Access"

(H.P. 1294) (L.D. 1858)

Reporting that it be **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

Sent for concurrence.

Ought to Pass as Amended

Report of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Fund Youth Conservation Education"

(S.P. 57) (L.D. 175)

Reporting **Ought to Pass as Amended by Committee Amendment "A" (S-61)**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-61) AS AMENDED BY SENATE AMENDMENT "A" (S-79)** thereto.

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE**. **COMMITTEE AMENDMENT "A" (S-61) READ** by the Clerk. **SENATE AMENDMENT "A" (S-79) TO COMMITTEE AMENDMENT "A" (S-61) READ** by the Clerk and **ADOPTED**. **COMMITTEE AMENDMENT "A" (S-61) AS AMENDED BY SENATE AMENDMENT "A" (S-79)** thereto **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, May 9, 2007.

Divided Report

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by**

Committee Amendment "A" (S-73) on Bill "An Act To Protect Children's Health on School Grounds"

(S.P. 67) (L.D. 184)

Signed:

Senators:

BOWMAN of York
MITCHELL of Kennebec
MILLS of Somerset

Representatives:

NORTON of Bangor
MAKAS of Lewiston
FARRINGTON of Gorham
HARLOW of Portland
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 "B" (S-74)** on same Bill.

Signed:

Representatives:

FINCH of Fairfield
SUTHERLAND of Chapman
EDGECOMB of Caribou

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-73)**.

READ.

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

Representative EDGECOMB of Caribou **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. 51

YEA - Adams, Babbidge, Barstow, Beaudette, Beaudoin, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Cleary, Connor, Conover, Cotta, Crockett, Dill, Driscoll, Duchesne, Eaton, Eberle, Faircloth, Farrington, Finley, Fischer, Fisher, Gerzofsky, Giles, Grose, Hanley S, Harlow, Hayes, Hill, Hinck, Jackson, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Marley, Mazurek, McFadden, Miller, Millett, Mills, Miramant, Muse, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Pinkham, Piotti, Priest, Rosen, Samson, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sykes, Theriault, Treat, Trinward, Tuttle, Wagner, Walcott, Walker, Watson, Weaver, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Beaulieu, Berube, Browne W, Cebra, Chase, Clark, Cray, Crosthwaite, Curtis, Duprey, Edgcomb, Finch, Fitts, Fletcher, Flood, Gifford, Gould, Greeley, Hamper, Hotham, Jacobsen, Joy, Knight, Lansley, Lewin, Marean, McDonough, McKane, McLeod, Moore, Nass, Plummer, Pratt, Prescott, Rand, Rector, Richardson D, Richardson E, Richardson W, Rines, Robinson, Savage, Saviello, Sutherland, Tardy, Thibodeau, Thomas, Tibbetts, Vaughan.

ABSENT - Craven, Cressey, Dunn, Emery, Haskell, Hogan, Pineau, Valentino, Webster.

Yes, 89; No, 52; Absent, 9; Vacant, 1; Excused, 0.

89 having voted in the affirmative and 52 voted in the negative, 1 vacancy with 9 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-73)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, May 9, 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. 117) (L.D. 373) Bill "An Act To Change the Membership of the Maine Indian Tribal-State Commission To Add Seats for the Houlton Band of Maliseet Indians and the State" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-77)**

(S.P. 134) (L.D. 433) Bill "An Act To Amend the Bond Requirements for Estates of Decedents" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-76)**

(H.P. 741) (L.D. 981) Bill "An Act Concerning the Supervision of Nursing Support Staff" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 1052) (L.D. 1502) Bill "An Act To Clarify and Update the Laws Related to Property and Casualty Insurance" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass**

(H.P. 199) (L.D. 228) Bill "An Act To Establish a Special Veterans License Plate for Motorcycles" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-189)**

(H.P. 200) (L.D. 229) Bill "An Act To Facilitate the Establishment of Tribal Electric Utility Districts" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-184)** (Representative ADAMS of Portland - of the House - abstaining)

(H.P. 293) (L.D. 363) Bill "An Act To Improve Juvenile Justice" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-186)**

(H.P. 402) (L.D. 524) Bill "An Act To Exempt Registered Farm Trucks from Commercial Inspection" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-183)**

(H.P. 517) (L.D. 686) Bill "An Act To Ensure Truth in Music Advertising" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-198)**

(H.P. 620) (L.D. 823) Resolve, To Create an Effective Coyote Control Program Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-190)**

(H.P. 726) (L.D. 966) Bill "An Act To Make Part 1 of the Maine Criminal Code Gender-neutral" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-187)**

(H.P. 806) (L.D. 1088) Bill "An Act To Amend Various Department of Defense, Veterans and Emergency Management Laws" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-199)**

(H.P. 957) (L.D. 1365) Bill "An Act To Make Civil Process Fees on Papers Served on Behalf of the State of Maine Consistent with Fees Paid by Other Government Entities" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-192)**

(H.P. 961) (L.D. 1369) Resolve, To Promote High-quality Before-school and After-school Programs Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-200)**

(H.P. 1049) (L.D. 1487) Bill "An Act To Amend the Laws Relating to Automotive Reflective and Tinted Glass" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-193)**

(H.P. 1117) (L.D. 1595) Bill "An Act To Ensure the Proper Management of the Sea Urchin Industry" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-191)**

(H.P. 1211) (L.D. 1728) Bill "An Act To Strengthen the Authority of Concealed Weapons Permits and Define the Term 'Crossbow' in Maine Law" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-188)**

(H.P. 1224) (L.D. 1758) Resolve, To Promote Alternative Schools within Existing School Systems (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-194)**

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

(H.P. 680) (L.D. 905) Bill "An Act To Amend the Maine Administrative Procedure Act To Strengthen Safeguards for Small Businesses" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-202)**

On motion of Representative RECTOR of Thomaston, 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:

(S.P. 563) (L.D. 1619) Bill "An Act To Amend the Laws Regarding Adult Education"

(S.P. 87) (L.D. 250) Bill "An Act To Change Snowmobile Registration Requirements" (C. "A" S-70)

(S.P. 155) (L.D. 468) Bill "An Act To Amend the Laws Governing Compulsory School Attendance" (C. "A" S-63)

(S.P. 215) (L.D. 678) Bill "An Act To Limit the Eminent Domain Authority of a Transmission and Distribution Utility" (C. "A" S-62)

(S.P. 244) (L.D. 795) Bill "An Act To Extend the Solar Energy Rebate Program" (C. "A" S-67)

(S.P. 290) (L.D. 902) Bill "An Act To Amend the Maine Health Data Organization Laws" (C. "A" S-59)

(S.P. 349) (L.D. 1032) Bill "An Act To Improve Employment Opportunities for Persons with Disabilities in Maine" (C. "A" S-71)

(S.P. 435) (L.D. 1249) Bill "An Act To Amend the Composition of the Maine Port Authority" (C. "A" S-68)

(S.P. 497) (L.D. 1419) Bill "An Act To Implement the Recommendations of the Allagash Wilderness Waterway Working Group" (EMERGENCY) (C. "A" S-60)

(H.P. 93) (L.D. 101) Bill "An Act To Enhance Screening for Breast Cancer" (C. "A" H-181)

(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) (C. "A" H-178)

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 as Amended** and sent for concurrence.

(H.P. 433) (L.D. 555) Bill "An Act To Protect Children from Lead Exposure by Requiring Sufficient Notice of Renovations" (C. "A" H-179)

On motion of Representative SIMPSON of Auburn, was **REMOVED** from the Second Day Consent Calendar.

The Unanimous Committee Report was **READ**.

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

BILLS IN THE SECOND READING Senate as Amended

Bill "An Act To Protect the Solemnity and Dignity of a Funeral or Memorial Service in Maine"

(S.P. 83) (L.D. 246)
(C. "A" S-54)

House

Bill "An Act To Designate Certain Rules of the Board of Pesticides Control as Major Substantive Rules" (EMERGENCY)

(H.P. 1323) (L.D. 1891)

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

ENACTORS Emergency Measure

Resolve, To Require an Engineering Study To Determine the Cost of Extending Rail Service from Portland to Fryeburg

(S.P. 106) (L.D. 328)

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 8 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 1: General Provisions and Chapter 10: Land Use Districts and

Standards, Major Substantive Rules of the Maine Land Use Regulation Commission

(H.P. 538) (L.D. 717)
(C. "A" H-120)

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. 105 voted in favor of the same and 26 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Prohibit the Transfer of Salvia Divinorum to Minors and To Prohibit Possession of Salvia Divinorum by Minors

(H.P. 64) (L.D. 66)
(C. "A" H-117)

An Act To Provide a Reward for Information Regarding the Murder of a Law Enforcement Officer

(H.P. 66) (L.D. 68)
(C. "A" H-123)

An Act To Clarify Certain Equipment Provisions for Motor Vehicles

(H.P. 492) (L.D. 643)
(C. "A" H-128)

An Act To Amend the Laws Relating to Department of Corrections Facilities

(H.P. 528) (L.D. 697)
(C. "A" H-125)

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

(H.P. 627) (L.D. 830)
(H. "A" H-177 to C. "B" H-62)

An Act To Update the Authority of the Maine Employers' Mutual Insurance Company To Better Serve the Needs of Maine Employers

(H.P. 639) (L.D. 840)
(C. "A" H-129)

An Act To Amend the Civil Foreclosure Laws

(H.P. 657) (L.D. 868)

An Act To Require That a State Road Be in Good Condition before Being Turned over to a Municipality

(S.P. 335) (L.D. 1018)
(C. "A" S-56)

An Act To Streamline the Review of Minor Tariff Filings of Consumer-owned Water Utilities

(H.P. 844) (L.D. 1151)
(C. "A" H-119)

An Act To Facilitate Reporting by Maine Financial Institutions of Elder Financial Exploitation

(H.P. 1002) (L.D. 1428)
(C. "A" H-131)

An Act To Require Veterinarians To Notify the Department of Agriculture, Food and Rural Resources of Rabies Vaccinations of Dogs

(H.P. 1210) (L.D. 1727)
(C. "A" H-121)

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

An Act To Protect Children from Dangerous Drugs, Harmful Chemicals and Drug-related Violence

(H.P. 340) (L.D. 424)
(C. "A" H-124)

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

On motion of Representative TARDY of Newport, 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. 52

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Blanchette, Bliss, Boland, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Cebra, Chase, Clark, Cleary, Connor, Conover, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, 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, Hinck, Hogan, Hotham, Jackson, Jacobsen, Joy, Kaenrath, Knight, Koffman, Lansley, Lewin, Lundeen, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, McFadden, McKane, McLeod, Miller, Millett, Miramant, Moore, Muse, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pineau, 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, Trinward, Tuttle, Vaughan, Wagner, Walcott, Walker, Watson, Weaver, Webster, Weddell, Wheeler, Woodbury.

NAY - NONE.

ABSENT - Cressey, Dunn, Emery, Haskell, Mills, Pilon, Richardson E, Valentino, Mr. Speaker.

Yes, 141; No, 0; Absent, 9; Vacant, 1; Excused, 0.

141 having voted in the affirmative and 0 voted in the negative, 1 vacancy with 9 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Extend Health Insurance Coverage for Dependent Children up to 25 Years of Age

(H.P. 640) (L.D. 841)
(C. "A" H-130)

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. 53

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaulieu, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Clark, Cleary, Connor, Conover, Cotta,

Craven, Cray, Crockett, Dill, Driscoll, Duchesne, Dunn, Duprey, Eaton, Eberle, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Gould, Greeley, Grose, Hanley S, Harlow, Hayes, Hill, Hinck, Hogan, Jackson, Kaenrath, Knight, Koffman, Lundeen, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, Miller, Millett, Mills, Miramant, Moore, Muse, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pineau, Pingree, Piotti, Plummer, Pratt, Priest, Rand, Rector, Richardson D, Richardson W, Rines, Rosen, Samson, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Walcott, Walker, Watson, Weaver, Webster, Weddell, Wheeler, Woodbury.

NAY - Beaudoin, Berube, Cebra, Chase, Crosthwaite, Curtis, Edgecomb, Hamper, Hotham, Jacobsen, Joy, Lansley, Lewin, McFadden, McKane, McLeod, Pinkham, Prescott, Robinson, Thomas, Tibbetts.

ABSENT - Cressey, Emery, Haskell, Nass, Richardson E, Mr. Speaker.

Yes, 123; No, 21; Absent, 6; Vacant, 1; Excused, 0.

123 having voted in the affirmative and 21 voted in the negative, 1 vacancy with 6 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Protect Consumers from Deceptive Insurance Solicitation

(S.P. 439) (L.D. 1253)
(C. "A" S-57)

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. 54

YEA - Adams, Annis, Austin, Aytte, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Blanchette, Bliss, Boland, Brautigam, Browne W, Bryant, Burns, 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, Hinck, Hogan, Hotham, Jackson, Jacobsen, Joy, Kaenrath, Knight, Koffman, Lansley, Lewin, Lundeen, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, McFadden, McKane, McLeod, Miller, Millett, Mills, Miramant, Moore, Muse, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pineau, 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, Trinward, Tuttle, Valentino, Vaughan, Wagner, Walcott, Walker, Watson, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - NONE.

ABSENT - Connor, Cressey, Emery, Haskell, Richardson E.

Yes, 145; No, 0; Absent, 5; Vacant, 1; Excused, 0.

145 having voted in the affirmative and 0 voted in the negative, 1 vacancy with 5 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 Thursday, May 3, 2007, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Expression of Legislative Sentiment Recognizing James Barnes, of Pleasant Point in Perry, 2006 National Native Police Chief of the Year

(HLS 281)

TABLED - April 10, 2007 (Till Later Today) by Representative SOCTOMAH of the Passamaquoddy Tribe.

PENDING - **PASSAGE**.

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

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

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-151)** - Committee on **UTILITIES AND ENERGY** on Bill "An Act To Promote Electricity Transmission Independence"

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

TABLED - May 2, 2007 (Till Later Today) by Representative BLISS of South Portland.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

On motion of Representative BLISS of South Portland, the Bill and all accompanying papers were **COMMITTED** to the Committee on **UTILITIES AND ENERGY** and sent for concurrence.

SENATE PAPERS

Bill "An Act To Promote Safety and Career Paths in the Electrical Trade"

(S.P. 690) (L.D. 1896)

Came from the Senate, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

REFERRED to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

Bill "An Act To Allow Blended Sentencing for Certain Juveniles"

(S.P. 691) (L.D. 1897)

Came from the Senate, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

On motion of Representative GERZOFKY of Brunswick, **TABLED** pending **REFERENCE** in concurrence and later today assigned.

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-195)** on Resolve, To Estimate the Annual Value of Uncollected Bottle Deposits

(H.P. 895) (L.D. 1267)

Signed:

Senators:

BROMLEY of Cumberland
SCHNEIDER of Penobscot
COURTNEY of York

Representatives:

BEAULIEU of Auburn
SAMSON of Auburn
MacDONALD of Boothbay
SILSBY of Augusta
SMITH of Monmouth
BEAUDETTE of Biddeford
CLEARY of Houlton

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

Signed:

Representatives:

AUSTIN of Gray
PRESCOTT of Topsham
RECTOR of Thomaston

READ.

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

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-195)** was **READ** by the Clerk and **ADOPTED**. The Resolve was assigned for **SECOND READING** Wednesday, May 9, 2007.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Establish the Missing Senior Citizen Alert Program"

(H.P. 587) (L.D. 769)

Signed:

Senators:

DIAMOND of Cumberland
McCORMICK of Kennebec
SHERMAN of Aroostook

Representatives:

GREELEY of Levant
HILL of York
HANLEY of Gardiner
PLUMMER of Windham
TIBBETTS of Columbia
KAENRATH of South Portland
HASKELL of Portland
SYKES of Harrison

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-196)** on same Bill.

Signed:

Representatives:

GERZOFKY of Brunswick
BLANCHETTE of Bangor

READ.

Representative GERZOFKY of Brunswick moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

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

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act Protecting the Confidentiality of Prescription Information"

(H.P. 637) (L.D. 838)

Signed:

Senators:

BRANNIGAN of Cumberland
MARRACHÉ of Kennebec
RAYE of Washington

Representatives:

PERRY of Calais
GROSE of Woolwich
BEAUDOIN of Biddeford
CONNOR of Kennebunk
WALKER of Lincolnville
LEWIN of Eliot
FINLEY of Skowhegan

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-197)** on same Bill.

Signed:

Representatives:

WALCOTT of Lewiston
MILLER of Somerville
CAMPBELL of Newfield

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought Not to Pass** Report.

READ.

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

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-201)** on Resolve, To Provide Adequate Funding for Emergency Homeless Shelters (EMERGENCY)

(H.P. 963) (L.D. 1371)

Signed:

Senators:

BRANNIGAN of Cumberland
RAYE of Washington

Representatives:

PERRY of Calais
 WALCOTT of Lewiston
 GROSE of Woolwich
 MILLER of Somerville
 BEAUDOIN of Biddeford
 CONNOR of Kennebunk
 WALKER of Lincolnville
 CAMPBELL of Newfield
 FINLEY of Skowhegan

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

Signed:

Representative:
 LEWIN of Eliot

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-201)** Report.

READ.

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

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-201)** was **READ** by the Clerk and **ADOPTED**. The Resolve was assigned for **SECOND READING** Wednesday, May 9, 2007.

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, May 3, 2007, 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 (7) Ought to Pass as Amended by Committee Amendment "A" (H-133) - Minority (6) Ought Not to Pass - Committee on BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT on Bill "An Act to Focus State Agency Efforts in Economic Development on Entrepreneurial Sustainability and Growth"

(H.P. 505) (L.D. 656)

TABLED - May 1, 2007 (Till Later Today) by Representative SMITH of Monmouth.

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

The **SPEAKER**: The Chair recognizes the Representative from Thomaston, Representative Rector.

Representative **RECTOR**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. LD 656, as amended, requires that the Department of Economic and Community Development develop a program, whereby three rural regions of the state will have a special group convened to discuss economic development in those regions. The Department is then required to report back the results to the BRED Committee in the next session of the 123rd Legislature.

Now, you all know that we are all supporters of economic development for the state and for our regions. A sustainable and growing economy is the key to a positive future for our state. That said, both the OPEGA Report and the Brookings Report, presented a rather harsh condemnation of some of our economic development efforts. In that condemnation, they indicated that our actions were diffuse and often directed by political, rather than practical and well-executed plans. I would suggest to you

that LD 656 is just such a poorly developed squandering of our limited resources.

DECD will provide assistance to any region, group, or gathering of entities, wherever they emerge needing help with their economy. Our regional economic development agencies such as Eastern Maine Development Corporation, CEI, the various councils of government, etc., are all either available to provide assistance or if state help is necessary, to request assistance for the support and expansion of their regional economies. To direct such activities as this amendment suggests, not allowing for an organic need to bubble up locally to be addressed, but rather to take our top down—"we in Augusta know best and we are going to send it to you" approach, is both bad policy and a waste of very limited resources.

DECD represents the smallest department budget in the State General Fund. Do not make us dissipate those limited resources because we think we have the answers. Let those who genuinely need and desire assistance in planning or strategizing come forward and demonstrate the appropriate partner's willingness to work collaboratively. Let the need and desire for assistance emerge. Then let the Department do what it can do very capably, to assist those efforts in appropriate ways. Let's not dictate for meeting, who must attend, etc., etc. Let's let the ground work be laid locally and be ready to meet the needs as they arise. Economic development is critical if we are ever to light our ship of state and provide a bright future with reduced tax burdens, healthy well-educated citizens, and a strong infrastructure. We will never achieve those things by squandering our limited resources on state directed economic development initiatives, without local momentum and support. An organic grassroots approach may succeed; the lack of such an approach will surely fail. This investment of time, talent, and dollars of our limited department resources, will be another failed legislative initiative, which must be avoided. I urge you to defeat this amended version of LD 656. Thank you, Mr. Speaker.

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

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I will take a brief opportunity to respond to the rather harsh appraisal of this legislation from the Representative from Thomaston. What we are voting on is an amended version. If those of you who keep track of your amendments, this is (H-133), it is one paragraph.

As a farmer, I am all for organic grassroots approaches. I believe that this is part of that, it helps to facilitate that. The bill, as amended, charged the Department of Economic and Community Development with convening working groups in three rural counties; we are leaving it to the Department to choose where that is most appropriate. Once those are chosen, they are going to hold at least four meetings and then through this process, provide benchmarks for the strength and weaknesses for those counties. The Department will assist and guide the working groups on the economic development initiatives, and report the progress of each working group back the Committee on Business, Research and Economic Development, by February 1 of next year.

There is no fiscal note on this legislation, and it is a wonderful opportunity for the Department to reenergize the local efforts and shift focus from town or local economic development, to a more regional approach. I think it is appropriate, I think it is a terrific piece of legislation, and I urge you to vote in acceptance of the pending motion. 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 is a bill I brought forward, and I brought it forward as a result of actually some work that has been done in Washington County, but also because of my research in looking at what works for rural economic development.

In doing this research and this is a nationwide report that came back with a number of articles in it, it really talked about why things like Pine Tree Zones and TIFs for getting industry into rural areas, do not work. What they are saying and what the report said, is the best way to create and develop rural development, is that one, the rural areas have to think of themselves as a region, and not small towns sort of fighting for the same dollar or the same ability to get things together, that they work better as a region. Also, for rural development to create jobs and a growth of the economy, grows from within. That investment in local, entrepreneurial, and small business growth are the real basis on what economic development happens in rural areas, is it allows for growth, and by focusing on that part of it, it will help rural areas grow. Now, I will say that in Washington County that has been the case. We have been a county that has really struggled with our economy and has been so for years. We have been small regions within the County, really competing with each other.

Since I have come into the Legislature, I have seen a real growth of the County regions and areas beginning to work together. One thing that really helped is the beginnings of the Commission, the Washington County Task Force that actually the Chief Executive brought together, that required Washington County to work together economically as a county. Now the Task Force is not in place any longer, but one thing that happened out of that is that the economic development businesses—the Washington County Development Authority, the Chambers of Commerce, and some other small businesses that are working within the County, as well as the County Commissioners who were not really a strong position in that—are now beginning to work together. We are beginning to work together to develop what we have and bring it forward. As a result of that we have begun work with the Maine Rural Partners and beginning to really see some real hope at moving forward.

All I ask with this bill is to allow the Department of Economic and Community Development, to take an active role in helping rural counties do this and come to back with a report to see if this works, because if it does not work, it does not have to stay in place. But if we really see the same kind of response that we have had in Washington County, then we can grow as a state in prosperity, bringing our urban and our rural economies along together, and that is really what I am asking that we do. That we have an opportunity to have DECD be in a leadership position to help coordinate and pull that together, and then come back to the Committee and really let them know if this works or not. Thank you.

The SPEAKER: The Chair recognizes the Representative from Thomaston, Representative Rector.

Representative **RECTOR**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I appreciate the comments by both of my colleagues across the aisle, Representative Perry and Representative Smith. I think that we are actually in agreement, that economic development works best when it is done collaboratively. My objection is that the Department of Economic and Community Development is not the convener and enforcer of collaboration that those efforts have to come from the ground up, where they will then be successful. Mr. Speaker, I would request a roll call when the vote is taken. Thank you.

Representative **RECTOR** of Thomaston **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 Bangor, Representative Faircloth.

Representative **FAIRCLOTH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. When considering this bill, it does not specify which rural counties that would be considered, but it might be logical to consider the county of the sponsor, Representative Perry, which has had for decades one of the highest unemployment rates in the state, often the highest. Washington County has worked hard, locally worked hard, for a number of economic development plans, some of which have been rejected over the years. Not taking a position on those plans—but you can understand the viewpoints and frustration to some degree of people in Washington County, among these rural counties, in a county with some of the highest unemployment rates and highest child poverty rates in the state.

I commend DECD for all of their excellent work from the 90's, regardless of the party of the Chief Executive; I think they have done a lot of good work. But I would say that if you want a local effort, we are seeing one, that this bill is a local effort. That it talks about a local effort that regionalizes for this and other counties, and that it is not a top down approach, but far from it. It is something that springs from the Representatives of the people of that area, and is really an excellent move forward for the fruition of local economic development ideas, with DECD as a facilitator. Thank you.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Prescott.

Representative **PRESCOTT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I do support economic development, but I will not be supporting LD 656. I find this bill redundant and unnecessary. Legislation is not needed. DECD is available to these counties right now. They do not need a babysitter to create a much-needed effort for economic development. Thank you.

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

ROLL CALL NO. 55

YEA - Adams, Babbidge, Barstow, Beaudoin, Berry, Blanchard, Bliss, Boland, Brautigam, Bryant, Cain, Canavan, Carter, Casavant, Clark, Cleary, Connor, Conover, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Grose, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jackson, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Marley, Mazurek, Miller, Mills, Miramant, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Piotti, Pratt, Priest, Rand, Rines, Samson, Schatz, Silsby, Simpson, Sirois, Smith N, Theriault, Treat, Trinward, Tuttle, Valentino, Wagner, Walcott, Watson, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Beaudette, Beaulieu, Berube, Browne W, Campbell, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Edgecomb, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Hamper, Hotham, Jacobsen, Joy, Knight, Lansley, Lewin, Marean, McDonough, McFadden, McKane, McLeod, Millett, Moore, Muse, Nass, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Savage, Saviello, Strang Burgess, Sutherland, Sykes,

Tardy, Thibodeau, Thomas, Vaughan, Walker, Weaver, Woodbury.

ABSENT - Blanchette, Burns, Cressey, Duprey, Emery, Pineau, Richardson E, Tibbetts.

Yes, 83; No, 59; Absent, 8; Vacant, 1; Excused, 0.

83 having voted in the affirmative and 59 voted in the negative, 1 vacancy with 8 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-133)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Wednesday, May 9, 2007.

HOUSE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-145)** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Require That Public Schools Start after Labor Day"

(H.P. 367) (L.D. 483)

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

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

Representative VALENTINO of Saco **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 Saco, Representative Valentino.

Representative **VALENTINO:** Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today in opposition to the motion Ought Not to Pass on LD 483. I brought this bill forward as an instrument to help the tourism industry.

Tourism in Maine is the number one industry in the state. Last year it brought in over \$531 million in tax revenue, and the tourist industry provides over 176,000 jobs. When school starts before Labor Day, many businesses are forced to close that week since they have no employees to work, unless people vacation when the kids are in school. Lodging and camping businesses have been forced to reduce the rates the last week in August, due to schools beginning to open. It is estimated that the State of Maine loses almost \$2 million in revenues from the loss of the tourism industry, by the kids going back to school before Labor Day.

As amended, this bill also exempts Aroostook County, based on its long history and tradition of an early start for the potato harvest. This bill would not add school days to the school calendar and it would not result in more school days in June. Many people have said that if we start later, we will only be pushing back the days in June that we have. A lot of people, probably after, will be saying we may be going in July—that is not the intent of this bill.

Right now by statute, there are 180 days for school, but out of those 180 days, five days are allotted for teacher workshops. This bill would not decrease the number of days that the students go to school, they would still go to school 175 days. It would not decrease the amount of teacher workshops, the teacher workshops would still be at five. It does not lengthen the school year in June. What it simply says is that the students will not start school until after Labor Day, but the teachers can if they want to, have their workshops prior to Labor Day. This will reduce the amount of days taken off for teacher workshops during the school year, so this does not affect the quality of the education that the students are getting. They are getting the exact same number of days within the same calendar, and they

are able to get out at the same time in June, if the teachers decide to do workshops prior to.

The other thing is that this bill would add consistency among school districts on start dates. Many people do not think to look for buses before Labor Day. This also would alert everybody to know that school does not start until after Labor Day. Many people will talk also about a local control issue. This really is not a local control issue because many of the business I have received letters from that have testified at the Committee Hearing, draw from a pool of workers outside of the town that they are located into. If you went to one school district in the town where the business was located, they may be sympathetic toward that one business if they are a large taxpayer, but what about all of the outlying communities that they draw from? Many of these businesses have emailed saying that they draw from five, six, seven of the surrounding towns, and to go to every single one of those school boards, that those school boards would not have the same desires as maybe a school board in the town. This would add consistency.

When asked when schools start in the State of Maine, even the Department of Education could not answer that. There is not a school calendar that they keep. There is no one that I can call right now at the Department of Education and say, "How many schools start before Labor Day?" This was asked repeatedly at the workshops and they still have not come up with an answer. Even the Department of Education does not know when school starts, if it starts on one day in one town and another day in another town.

What we are doing is this bill is really to help the tourism industry. It is not about the quality of education. This has no fiscal note to it. It has no impact upon the budget. Tourism is the number one industry in the State of Maine and what it is, is comprised of thousands of small businessmen. It is not one plant that you see that is employing 15,000 people. This tourism industry is in every single one of our cities and towns, through the entire State of Maine. They are small businesses; they are medium sized businesses on this.

Just basically to add, this bill is not against the schools, it is not against the teachers, it is not against the quality of education, it is not about extending the school year. What the bill is about, is really helping the tourist industry and letting them promote that the State of Maine is open for business and open for tourism right through until Labor Day, where we do not roll up the carpets a week early and force the innkeepers to reduce their rates, force the hotels to eliminate their lunch shifts and only go to nighttime shifts, or force amusement parks or whitewater rafting companies to close the week before school because they do not have help and they do not have people to come. We want to keep the State of Maine open until Labor Day, which we traditionally have, which when I was in school we never started until after Labor Day. I think this can be absorbed within the calendar, and it will not have kids in school on July 4 or the end of June—this bill will not do that. Mr. Speaker, I ask for a roll call, for the yeas and nays.

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

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

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

Representative **NORTON:** Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Setting the school calendar is a local control issue; it is something your school board does every year. Many of the schools in our state do not start until Labor Day anyway. Those that do have deemed

it necessary, probably in order to fit the number of days into their calendar before the weather gets extremely hot in June, because in spite of the fact that the good Representative said that it does not add days in June, obviously, if you cannot go before Labor Day, those days will be added on to the end of the year for the number of days. So, it has become increasingly difficult in more recent years.

As a teacher, I can remember the first big one that we had was the addition of Martin Luther King Day to the federal list of holidays, and at that point we started having trouble trying to fit the mandatory days in between Labor Day and sometime late in June, there is not a magic number there. But every time we add a federal holiday or another religious holiday, and that has happened a lot in recent years too, it makes it more difficult to fit those days in before the end of June. A lot of our schools choose to come back and many of them do bring the staff back before Labor Day, but try to pay parents the courtesy of starting with their children after Labor Day. But many of our schools do start before Labor Day because they have a lot of our students back getting ready for athletic events and starting practice and things of that sort.

Part of what this bill does is it exempts Aroostook County; it gives them the opportunity to make that decision locally, but it takes it away from everyone else in the state to make that decision, to make that decision around their local schools. So again, I urge you to think about what your needs are locally, and allow at least locally voted for people to make those decisions for you. 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. I have to honestly admit that I am undecided, but I did want to bring up a couple of points that I think we should all think about, and this is really about education.

The school days the students are going to be required to attend remain the same. There was some discussion about having all of the teacher workshop days for the five days beforehand. I will tell you, being on a school board for a number of years, that teacher workshop days are not just going to a conference. Teachers throughout the year do meet as they do curriculum planning, they are looking at how they are doing, and it has to be a progressive process as you bring more information in, as you look at it, and as you work with the planning process. These are workshop days for the education of our students and these help us progress educationally as we plan the curriculum, find out what works, and plan beyond that. So, five days at one sitting does not take care of the needs of the system as we look curriculum wise.

Does that mean that we will get out a little bit later in June? It may. I think that the school systems need to decide that because the issues do work around vacation, but vacations are also worked in coordination with other school systems, as we look at our sports teams, or as other things are going on throughout the state with students in education. I do not know what the answer is, but I do want us to all think about what this means, and what we need to be looking at is really the education of our students. The ability to work is also another important part of growing up, so where we go with this, everyone will make their own decision, but please keep in mind that the requirements for the curriculum, for the days in school, and the decisions that are made throughout the year will remain and need to. Thank you.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Strang Burgess.

Representative **STRANG BURGESS**: Thank you Mr. Speaker. Mr. Speaker, Colleagues of the House. I rise just to simply add a little bit more to this discussion and simply remind folks that really this is not about curriculum, this is not about the actual content of the school year, we are not changing the number of days, and I think that is part of their local control as to how to get those days in. What this is about is about economic development to our largest industry in the State of Maine, which is our tourism industry. I cannot tell you the number of restaurants over the last couple of years that I have frequented along the Maine coast that now put signs up saying, "As of yesterday, we lost 67 percent of our help as the schools have begun, so do not expect good customer service during the Labor Day weekend." This is happening more and more.

To the local control issue, I am a great proponent of local control, but this is a flat world that we are living in and the State of Maine is becoming very mobile. The kids that are working along the Maine coast that are down in Kennebunkport, that are down in Bar Harbor, down in Boothbay, they are working in some of these larger resorts that actually have housing. These kids are coming from Fryeburg, they are coming from Caribou, and they are coming from all different parts of our state. It would be rather inefficient for the tourism industry as such, to go to all of the different school boards and lobby for them individually to change their school calendars. So, that is why this bill is before you, and I hope you will give it your consideration and please consider voting red, no. Thank you.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Farrington.

Representative **FARRINGTON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise to speak in favor of the pending Ought Not to Pass motion and I will try to quickly make a few points that have not been addressed to this point.

One of them, is the question of how pervasive is this issue? The proponents of this particular bill have asserted and asserted in the Ed Committee that this is a growing phenomenon, that there are a lot more schools starting a lot earlier than used to be the case. When that was asserted before the Committee, I asked for any data that might be available: What is the scope of this? Is it something that is in fact a growing trend? There was not any data provided. I asked for it, perhaps at the work session, asked for it at that point, and again, nobody was forthcoming with information. So, I need to still be convinced that this is something that is increasingly a trend among school districts statewide, other than anecdotal information that people have.

More importantly, I just wanted to point out that the importance of the local control on this issue has to do with use of discretion. When we are talking about Labor Day, as everybody knows, Labor Day is not fixed to a particular date during the year; it is the first Monday in September. If it is September 1, then we are talking about probably a matter of a day or two, at the most, that any school district would consider bringing students in before Labor Day. However, Labor Day does fall as late as September 7. In 2009, Labor Day will be September 7, which means if we were to adopt this; every single school in the state would be looking at September 8 as the earliest possible first day of school. We will have effectively removed the first week of September from the possibility of any student school days taking place. How we could possibly do that without having to move those days into June, I do not see any way that would be possible. In 2010, it is September 6, so we are still talking about starting school September 7. Local school boards need to have that discretion, and it matters from year to year where Labor Day falls as to whether it makes sense to bring students in before or after.

One final point that has not been brought up, I am concerned about the precedence this would set in terms of how we make policy about the school calendar. If we enact this and put Labor Day as the starting point, then as we move forward and in future years at some point look at potentially adding days to the school year. I mean we had a bill come to Committee this year to add ten days to the school year. It died in Committee, but it was not for lack of merit, it was because it would be a fairly expensive proposition and we are not in the position to fund that at this point.

There is a lot of merit to the argument that we ought to be looking at additional school days required. Maine has one of the lowest requirements in the entire country. Our nation as a whole has a lower requirement than most of the countries that we compare ourselves to, so that is an issue that we want to keep on the table. If we start saying we are going to allow certain interests in the state to dictate what are the parameters of our school year, that really does potentially tie our hands as we try to move forward and talk about if we want to add five, ten, how ever many days to the school year. How do we do that? Everywhere we go we are going to have somebody saying, "No, that steps on our toes. That interferes with our needs." So, that larger precedent issue of who really ought to be deciding educational policy, and I continue to believe that it ought to be the educational institutions, the school committees, and our local communities making that decision. Thank you.

The SPEAKER: The Chair recognizes the Representative from Camden, Representative Miramant.

Representative **MIRAMANT**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I live in a service center area in Camden and I saw that for a while, we had a shortage of our own students to help in the restaurants and tourist industry, and they started to pick up folks from European countries to come. That was great when we had a shortage, but now they realize that those folks stay through Labor Day, stay into the fall season. We do have a drop before two weeks before Labor Day as the kids go back to school. Unfortunately, it is not made up as our fall season picks up, our foliage and leaf peeper season. So now the industry tends to hang on to the European folks instead of using our own kids, which provides a deficit for their college earnings, so that is part of this bill.

The other reason I would speak against the Ought Not to Pass Amendment, right now, as amended, is that we have gone towards looking at quality in education. I see that as a focus of a lot of our bills in front of the Education Committee. That is probably why Maine has the least number of days in the country. Instead of working towards saying, if we add more days to the school calendar education will be better, we have already learned that that is not directly connected. We work for quality. We can continue to work for quality and we can keep our short year, have our kids enjoy their summer, be part of the community, and help our businesses earn their college money, and still have a good education. So I would like to support this, or not support the Ought Not to Pass. I am sorry I am speaking in circles here. Thank you.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Beaudette.

Representative **BEAUDETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. When we consider legislation, certainly you want to try to come up with a positive outcome, something that is going to improve the situation. In short of that we want to make sure that we cause no harm. In this particular bill, I believe that we cover both situations.

This is a bill that will help the tourism industry in the State of Maine. I believe it also is a family positive bill. I know there have been a number of times in my experience, where I would have liked to take that one last long vacation while the weather is still nice, but because school has started a day, a half a day, a day and a half, two days before Labor Day, we were unable to do that because we, my wife and I, do not want to keep our children out of school if they should be there.

We have also talked about how the addition of Martin Luther King Day and other factors have made it more difficult to get all of the days into the school year. I would remind folks who think of that, that we have also consolidated Washington's and Lincoln's birthday into Presidents Day, and that most public schools now do not have early dismissal on Good Friday. So, I do not think that there is a net gain or a net loss there. Also, I would also remind those who are fellow residents of mine of the State of Maine, that the weather is much warmer in the end of August and early September than it is in mid-late June. Thank you.

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

Representative **BOLAND**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to add my voice in opposition to Ought Not to Pass. I see this as something that is family friendly also.

In Sanford, we have a lot of need for jobs for our young people. We even have developed a nationally recognized transportation system, to get our people over to the coast and to cooperate with coastal towns in part to get workers over there, particularly in the summer months, when our young people, they do not need to have a car or a drivers license, they just need to get on that bus and go over there and work. So, they have their jobs and I think that that is a very good thing.

I trust that the teachers really have the intellectual capacity to figure out a good way to have their teacher workdays. In that regard, there are many people, many families who are quite frustrated at how many teacher workdays come in a school week, and they have to try to manage a different arrangement for childcare and that sort of thing, so that can be really a hardship on families as well. If the teachers could figure something else out, I think that would be helpful.

Also, I really do not think that as hard as we are working to try to reduce the tax burden on the State of Maine and increase business that it is very hard to say, that we are a business friendly state and not be able to take this small measure for the largest business that we have. Thank you.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Moore.

Representative **MOORE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. One of the most sensitive issues in a community is developing the school calendar for that community. It is community specific, I have done it many times in many communities, but this is a difficult thing to arrive at a consensus on for the entire state. I am going to be voting Ought Not to Pass on this suggestion today for two reasons because of that, that it is a sensitive local matter that is best left to the local community, and a discussion could be had for hours on end about the impact of storm days on the school calendar, which are totally unpredictable. One does not know when they are going to occur or how many there are. We can legislate our hearts out here and that will not change.

After our consultation with my constituent who is here today, an employer of many young people, at Acres of Wildlife Campground in Standish, she points out to me another fact that it really is not as much the start time of school that impacts the employment issues, it is the sports schedules and the teams that

practice June, July, August, and so forth. So, when school starts really does not impact a huge number of youngsters and their availability to work, because they are required to go to sports practices and other school related events. I think that makes a lot of sense, thus I am going to support this motion of Ought Not to Pass. Thank you very much.

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. Trying to be brief, in reference to what the good Representative Miramant said, if there are employers that are taking bonded labor over Maine youths, they should be contacting the Department of Labor because that is illegal. It is very clear that wages and working conditions for U.S. citizens cannot be affected, so by all means, I would be calling the Department of Labor—and I have the phone number here if you need it, Representative.

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

Representative **JACOBSEN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will make this real quick. Many of the students that are working during the summer are the ones that need the money. Many of them get a bonus if they work through Labor Day. For anybody that is employed, young people, they know that they are also giving these young people an education, an education that the ones that do not go out and work do not get. Thank you.

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

ROLL CALL NO. 56

YEA - Adams, Annis, Ayotte, Barstow, Beaulieu, Berry, Blanchard, Bliss, Brautigam, Bryant, Cain, Campbell, Canavan, Carter, Clark, Cleary, Craven, Cray, Curtis, Dill, Driscoll, Duchesne, Eberle, Edgcomb, Faircloth, Farrington, Finch, Fischer, Fisher, Fitts, Gifford, Giles, Greeley, Grose, Hanley S, Harlow, Haskell, Hayes, Hinck, Jackson, Joy, Knight, Lansley, Lundeen, Makas, Marean, Mazurek, McDonough, McFadden, McKane, Miller, Millett, Mills, Moore, Nass, Norton, Patrick, Peoples, Perry, Pieh, Pinkham, Piotti, Priest, Rand, Richardson D, Richardson W, Savage, Saviello, Silsby, Simpson, Sirois, Smith N, Sutherland, Sykes, Theriault, Thibodeau, Thomas, Treat, Trinward, Tuttle, Vaughan, Wagner, Walcott, Weaver, Weddell, Woodbury, Mr. Speaker.

NAY - Austin, Babbidge, Beaudette, Beaudoin, Berube, Blanchette, Boland, Browne W, Burns, Casavant, Cebra, Chase, Connor, Conover, Cotta, Crockett, Crosthwaite, Dunn, Eaton, Finley, Fletcher, Flood, Gerzofsky, Gould, Hamper, Hill, Hogan, Jacobsen, Kaenrath, Koffman, Lewin, MacDonald, Marley, McLeod, Miramant, Muse, Pendleton, Percy, Pilon, Pingree, Plummer, Pratt, Prescott, Rector, Rines, Robinson, Rosen, Samson, Schatz, Strang Burgess, Tardy, Valentino, Walker, Watson, Webster, Wheeler.

ABSENT - Cressey, Duprey, Emery, Hotham, Pineau, Richardson E, Tibbetts.

Yes, 87; No, 56; Absent, 7; Vacant, 1; Excused, 0.

87 having voted in the affirmative and 56 voted in the negative, 1 vacancy with 7 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

(S.P. 544) (L.D. 1521) Bill "An Act To Provide Education Concerning and Insurance Coverage for Lyme Disease" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-78)**

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass** on Bill "An Act To Integrate the Approval of Early Childhood Education Plans for Children 4 Years of Age into Basic School Approval for Elementary Schools"

(S.P. 172) (L.D. 560)

Signed:

Senators:

BOWMAN of York
MITCHELL of Kennebec
MILLS of Somerset

Representatives:

NORTON of Bangor
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:

Representative:

FINCH of Fairfield

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

READ.

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

The Bill was **READ ONCE** and was assigned for **SECOND READING** Wednesday, May 9, 2007.

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

On motion of Representative DUCHESNE of Hudson, the House adjourned at 1:00 p.m., until 4:00 p.m., Wednesday, May 9, 2007 in honor and lasting tribute to Richard A. Fish, of Greenbush, William J. Steeves, of Millinocket and William R. "Bill" Leino, of Millinocket.