

MAINE STATE LEGISLATURE

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

Volume I

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ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
FIRST REGULAR SESSION
39th Legislative Day
Thursday, May 10, 2007

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

Prayer by Reverend Daryl Lavway, Central Square Baptist Church, Portland.

National Anthem by Biddeford High School Chamber Singers.
Pledge of Allegiance.

Doctor of the day, Jo Linder, M.D., Falmouth.

The Journal of yesterday was read and approved.

**Pursuant to Statute
Revisor of Statutes**

Representative SIMPSON for the **Revisor of Statutes** pursuant to the Maine Revised Statutes, Title 1, section 94 asks leave to report that the accompanying Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY) (H.P. 1338) (L.D. 1904)

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

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY** 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 GERZOFKY of Brunswick, the following Joint Order: (H.P. 1334)

ORDERED, the Senate concurring, that the Committee To Study the Prison Industries Program is established as follows.

1. Committee To Study the Prison Industries Program established. The Committee to Study the Prison Industries Program, referred to in this order as "the committee," is established.

2. Membership. The committee consists of the 13 members of the Joint Standing Committee on Criminal Justice and Public Safety.

3. Committee chairs. The Senate Chair and the House Chair of the Joint Standing Committee on Criminal Justice and Public Safety are the chairs of the committee.

4. Convening of committee. The chairs of the committee shall call and convene the first meeting of the committee, which must be no later than September 15, 2007.

5. Duties. The committee's duties include:

A. Reviewing and assessing the current Department of Corrections' industries program, as well as past industries programs studies and proposed changes;

B. Investigating industries programs in other states;

C. Consulting with the Department of Labor and other experts to help determine what areas of the workforce clients who participate in industries programs may be able to transition into upon release;

D. Developing a plan to ensure that an industries program has the financial capacity to be of value;

E. Identifying a standard accounting procedure and other standard policies for operating an industries program; and

F. Exercising any other steps necessary to evaluate, define and implement a financially viable, productive and useful corrections industries program that will support itself, provide support to the corrections system and provide skills to clients.

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

7. Compensation. Members of the committee 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 committee.

8. Report. No later than January 15, 2008, the committee shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Second Regular Session of the 123rd Legislature. The committee is authorized to introduce legislation related to its report to the Second Regular Session of the 123rd Legislature at the time of submission of its report.

9. Extension. If the committee 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. Upon submission of its required report, the committee terminates.

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

READ and **PASSED**.

Sent for concurrence.

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 25)

ORDERED, that Representative Richard D. Blanchard of Old Town be excused May 2 and May 3 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Patricia B. Sutherland of Chapman be excused May 3 for personal reasons.

READ and **PASSED**.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the following members of the Waterville Senior High School Science Olympiad Team, on their winning the state title for the 12th year in a row: Ross Donihue, Kate Dutil, Lesley Mo, Jordan Shulman, Carin King, Anna Sagaser, Isaac Webb, Catherine Johnston, Cory Limberger, Brian Parent, Caroline Robe, Amy Johnston, Conor Hughes, William LaPlant and Allie MacDonnell. The team competed against 15 teams from 10 schools and won nine first-place medals, four second-place medals and three third-place medals. Coach Rosemarie Smith, who is a science teacher and chair of the high school science department, has coached Science Olympiad for 17 years. We congratulate Coach Smith and the Science Olympiad Team on this impressive achievement;

(HLS 351)

Presented by Representative TRINWARD of Waterville.

Cosponsored by Representative BROWNE of Vassalboro, Senator MARRACHÉ of Kennebec, Representative CANAVAN of Waterville.

On **OBJECTION** of Representative TRINWARD of Waterville, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Waterville, Representative Trinward.

Representative **TRINWARD**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I am proud to rise today and recognize these remarkable young men and women from Waterville High School. They are the State Champions of the Science Olympiad. These young people are our future engineers, scientists, and mathematicians. These students, try-out in September, work all year on their engineering and academic events. They are also very busy juggling sports, jobs, and other academic pursuits.

This Team will be leaving next Friday for the National Competition at Wichita State University in Kansas. They will be sending ahead a van with all of their engineering projects. So, this year with some inspiration from the Chief Executive this morning, they will also be sending along, in this van, school supplies that they will be giving and donating to the devastated areas of Kansas, as a gift from the State of Maine. I am asking my fellow members of the House to join in this effort, by either donating supplies, which they can pass on through me, or making a contribution to this worthy cause. Please see me to help these wonderful young people as our ambassadors in Kansas. Again, to the young men and women from Waterville High School, I wish them the very best of the luck at the National Competition, and I must say that I am very proud to be their Representative.

The **SPEAKER**: The Chair recognizes the Representative from Waterville, Representative Canavan.

Representative **CANAVAN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. We hear a lot and read a lot today about the shortcomings of our school system. We debate the merits of testing, whether the school year should be longer, or the languages should be offered, and as the debate goes on, concerns mount. Sometimes they are warranted and sometimes not, but every once in awhile we hear about something that restores our confidence in our school system, our students, and our teachers in a really big way—the accomplishments of Waterville High School's Science Olympiad Team, is a perfect example of that. The achievements are clear evidence that the work ethic of Maine students, and the dedication of Maine teachers, is very much alive and well in our school system today.

My very first term in this body, I probably stood to congratulate the team and their advisor, Rosemarie Smith, for winning the State Science Olympiad. Each year since, the Waterville High School Team has won that event, inspired by the same fine teacher. If I had my way, every single newspaper in this state would establish a special section to highlight and honor the academic accomplishment of our young people today. Scholars and teachers, who are committed to the pursuit of academic excellence to the extent that Waterville High School Science Olympiad Team is, deserve equal time, equal recognition, and equal coverage. Thank you.

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

Recognizing:

Christine Bernier, of Auburn, a freshman at Edward Little High School, who came in first place in the 9th Annual Nike Indoor

National High School Track & Field Championships in Landover, Maryland. Coached by Tom Menendez, Ms. Bernier racewalked her personal best time in the Girls One Mile Race Walk Event. We send her our congratulations and best wishes on this achievement;

(HLS 392)

Presented by Representative BEAULIEU of Auburn.

Cosponsored by Senator SNOWE-MELLO of Androscoggin, Representative SAMSON of Auburn, Representative SIMPSON of Auburn.

On **OBJECTION** of Representative BEAULIEU of Auburn, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **BEAULIEU**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I appreciate the opportunity of being able to recognize this fine young lady. I know she will be embarrassed when I call attention to the fact that she is only 14 years of age, but in a way, this is why her accomplishments in the sport of track and field are so incredibly outstanding and unusual. I am referring to an ever-little high school freshman by the name of Christie Bernier.

Christie competed in the 9th Annual Nike Indoor National High School Track & Field Championships in Landover, Maryland, in March, and won the Nike Indoor National Championship Race Walking Event, with the personal best time of 7:58. Out of a field of 22 athletes, she came in first, outpacing her opponents while receiving National Champion honors and All-American status, a rather big and very important accomplishment.

In April, she was selected to participate in the 113th Penn Relays in Philadelphia, in order to compete in a 5K Junior Division Race Walking Event, against girls 19 years old and younger. This race is classified as an Olympic Development race. She was the youngest competitor in this event, placing sixth at a distance three times greater than she had ever raced before. These accomplishments are even more impressive, when considering that she has not yet completed her first full season of competitive high school track. Her Coach, Tom Menendez, states that "She is one of the most dedicated athletes that I have ever coached in 20 years. She has an extremely mature work ethic and is doggedly determined to accomplish her goals."

On behalf of the members of this body, I would like to congratulate Christie for her success and wish her the best of luck, in what looks to be a very promising future for this young athlete. I also encourage her to pursue educational goals with the same dogged determination she exemplifies in every race walking event. Thank you, again, Mr. Speaker.

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

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Prevent Retailers from Selling Liquor below Cost"

(S.P. 446) (L.D. 1283)

Signed:

Senators:

MARRACHÉ of Kennebec
PLOWMAN of Penobscot

Representatives:

MOORE of Standish
PINKHAM of Lexington Township
TRINWARD of Waterville
TUTTLE of Sanford
NASS of Acton
GOULD of South Berwick
BLANCHETTE of Bangor
HOLMAN of Fayette

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-93)** on same Bill.

Signed:

Senator:

BRYANT of Oxford

Representatives:

WEDDELL of Frankfort
PATRICK of Rumford

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

READ.

Representative PATRICK of Rumford 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 **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Amend the Laws Governing Bingo"

(H.P. 690) (L.D. 915)

Signed:

Senators:

MARRACHÉ of Kennebec
BRYANT of Oxford

Representatives:

WEDDELL of Frankfort
TRINWARD of Waterville
PATRICK of Rumford
TUTTLE of Sanford
BLANCHETTE of Bangor

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-207)** on same Bill.

Signed:

Senator:

PLOWMAN of Penobscot

Representatives:

MOORE of Standish
PINKHAM of Lexington Township
NASS of Acton
GOULD of South Berwick

HOLMAN of Fayette

READ.

Representative PATRICK of Rumford moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Require Changes in the Essential Programs and Services Funding Formula Concerning Labor Market Areas"

(H.P. 42) (L.D. 44)

Signed:

Senators:

BOWMAN of York
MITCHELL of Kennebec
MILLS of Somerset

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-210)** on same Bill.

Signed:

Representatives:

SUTHERLAND of Chapman
EDGEComb of Caribou
McFADDEN of Dennysville

READ.

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

Representative EDGEComb of Caribou **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 Caribou, Representative Edgecomb.

Representative **EDGEComb**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The time may never be better to try to harness this ugly alligator, the labor market area. The labor market is a geographical area that was determined by the federal labor market, but it is used to figure the average salary of teachers that fall within that area. There are 35 areas in the State of Maine. We have had discussion about reducing that to 31 or 33, but this considers only the teachers' salary. It does not consider an engineer, a doctor, or a forester, or a farmer. Now, Mr. Speaker, I have two examples to help explain the labor market area and I do not intend any disrespect toward you, Mr. Speaker, or the many former teachers and current teachers in the House.

Let's assume, Mr. Speaker, that during your first day in class, you say to your class, "Class, I know what your average grades were for last year, so I am going to take those average grades and those of you in the center of the classroom, you can earn a

grade of 100, and I know some of you are higher and some lower. I would like to give bonus questions, but if you get the bonus questions right, you cannot earn a grade a more than 100. Now, those of you in the front of the classroom, you had a grade in excess of 100 because you like to get bonus questions right. I know that Mr. Allagash and Mr. Houlton, you had low grades, but you really lucked out because your classmates in the front really scored high and you can earn a grade of up to 109, so that is a real bonus for you. I am sorry about the students in the back of the room, your averages were low. Even though, I am sorry that Miss Portland and Mr. Brewer, you had higher grades than an 84, but 84, that is the highest grade that you can earn this year in this class." Now, as you know Mr. Speaker, that would be unfair and just like the labor market area, it is the most unfair and inequitable part of the EPS formula.

Another example, the second one would be: Let's assume the State of Maine has the checkbook to pay all of the baseball teams in this country and you have \$2 billion to do that. You say, "Okay, teams out West, the average salary of your ballplayers are average, so you can earn \$1.5 million. We will send you \$1.5 million to pay your baseball players. Now in the Northeast, where you have the Red Sox and the Yankees, the New York Mets, your average salaries are above the average in this country, so we will give you instead of \$1.5 million, we will give you an additional \$20 million to pay your ball players. Now, you really lucked out Phili and Baltimore, your averages are not that high but you are going to get an extra bonus in here, because you happen to be in an area where salaries are high for baseball players. In the Southeast, you folks are going to get less than what the average is because you have the Marlins and the Devil Rays. Sorry, Atlanta, I know you like to pay your ball players more in Atlanta, but you happen to be in an area where the salaries for ball players are low."

This is unfair and I think the time, again, could never be better to make this change, because schools do not know, if we get into consolidation, what areas that they are in. The labor market will be squeezed to one for the entire state. You will not know what area you are in or what your averages will be because they will be adjusted. No one knows at this point and this is our opportunity to make this change. Thank you, Mr. Speaker.

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 appreciate the opportunity that the good Representative before me has seized, but we have several bills in the Education Committee on the Labor Market Figure, and we have rolled them all into our final EPS bill. This was one of the titles that we killed but we reserved the topic, so on the outside chance that you think this is your big chance; I think I would venture to say that you are going to have this opportunity when we get to the larger bill. I will remind you the EPS, of course, is education funding, so it would not be appropriate for us to try to talk about doctors' pays and those kinds of things that the good Representative mentioned just prior to me.

Again, EPS is somewhat self-adjusting. I will tell you frankly, on this particular issue, the money that some communities appear to get above one or 100 percent is not real money. Most of those communities are communities that are considered low receivers and though on paper they appear to get that, because of the level of their state subsidies, they do in fact not get that money. So, it is not as simple as taking the money away from those over one and giving it to those under one, because there is not enough money to do that. But again, I remind you, we will get

the opportunity to have in-depth discussions around this matter at another time. Thank you.

The SPEAKER: The Chair recognizes the Representative from Dennysville, Representative McFadden.

Representative **McFADDEN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I could not have said it nearly as well as Representative Edgecomb just said it, but what I want to point out is also, is the Chief Executive teachers' salaries, they started this year at \$28,000. Next year, in September 2008, they start at \$30,000 and in 2009 the districts pick it up. That salary is paid to the starting teachers in all labor markets. The labor markets go anywhere from 81 in Washington County, all the way up to, I think it is 115 in other parts of the state, so people that live in the rural parts of Maine are ones that are affected by this labor market.

If you live in a larger area, you are probably going to receive more than that 1.0, I am quite sure you are. But the people that live in rural Maine, you want to kind of look and listen, because I know people are listening in right now and probably watching and so forth and so on, and the election is coming up in two years, so I am trying to encourage you to vote the proper way on this. To me, this is reverse Robin Hood—you are robbing the poor and giving it to the rich. Thank you, Mr. Speaker.

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. 61

YEA - Adams, Babbidge, Barstow, Beaudette, Beaudoin, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Bryant, Burns, Cain, Canavan, Casavant, Clark, Conover, Craven, Crockett, Dill, Driscoll, Duchesne, Eaton, Eberle, Faircloth, Farrington, Finch, Fisher, Gerzofsky, Grose, Hanley S, Harlow, Hill, Hinck, Hogan, Jackson, Kaenrath, Koffman, MacDonald, Makas, Marley, Mazurek, McDonough, Miller, Miramant, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Piotti, Priest, Rines, Samson, Silsby, Simpson, Sirois, Smith N, Sutherland, Trinward, Tuttle, Valentino, Wagner, Walcott, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Beaulieu, Browne W, Campbell, Carter, Cebra, Chase, Cleary, Cotta, Cray, Cressey, Crosthwaite, Curtis, Edgecomb, Emery, Finley, Fischer, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Hamper, Hayes, Jacobsen, Joy, Knight, Lansley, Lewin, Lundeen, Marean, McFadden, McLeod, Millett, Mills, Muse, Nass, Pinkham, Plummer, Pratt, Prescott, Rector, Richardson D, Robinson, Rosen, Savage, Saviello, Schatz, Strang Burgess, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Vaughan, Walker, Weaver.

ABSENT - Berube, Connor, Dunn, Duprey, Greeley, Haskell, Hotham, McKane, Moore, Pineau, Richardson E, Richardson W, Treat, Watson, Woodbury.

Yes, 74; No, 61; Absent, 15; Vacant, 1; Excused, 0.

74 having voted in the affirmative and 61 voted in the negative, 1 vacancy with 15 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act To Allow Municipalities To Set Speed Limits on Certain Roads"

(H.P. 937) (L.D. 1329)

Signed:
Senators:
DAMON of Hancock

DIAMOND of Cumberland
SAVAGE of Knox

Representatives:
MARLEY of Portland
FISHER of Brewer
MAZUREK of Rockland
HOGAN of Old Orchard Beach
ROSEN of Bucksport
THERIAULT of Madawaska
PEOPLES of Westbrook

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:
Representatives:
BROWNE of Vassalboro
THOMAS of Ripley
CEBRA of Naples

READ.

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

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Accept the Determination of Public Opinion on Municipal Projects"

(H.P. 779) (L.D. 1061)

Signed:
Senators:
SCHNEIDER of Penobscot
BRANNIGAN of Cumberland
BENOIT of Sagadahoc

Representatives:
BARSTOW of Gorham
WEAVER of York
BEAUDETTE of Biddeford
CURTIS of Madison
JOY of Crystal
HAYES of Buckfield
COTTA of China

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-214)** on same Bill.

Signed:
Representatives:
BOLAND of Sanford
SIROIS of Turner
SCHATZ of Blue Hill

READ.

On motion of Representative BARSTOW of Gorham, 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:

(H.P. 544) (L.D. 723) Bill "An Act To Integrate Chronic Disease Prevention and Care into the MaineCare Program" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-215)**

(H.P. 576) (L.D. 755) Bill "An Act To Ensure the Success of All Maine Families through Early Care and Education" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-216)**

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. 369) (L.D. 1117) Bill "An Act To Amend the Charter of the Somerset Woods Trustees"

(S.P. 82) (L.D. 245) Bill "An Act To Amend the Laws Pertaining to the Licensing of Motor Vehicle Dealerships" (C. "A" S-81)

(S.P. 197) (L.D. 605) Bill "An Act To Eliminate the Super Pack Hunting License" (C. "A" S-86)

(S.P. 360) (L.D. 1108) Bill "An Act To Change the Impact of the Rate of Growth Ordinance Limit on the Town of York" (C. "A" S-90)

(S.P. 498) (L.D. 1420) Bill "An Act To Amend the Definition of 'Territorial Waters' and Study Maine's Coastal Policies" (C. "A" S-85)

(H.P. 546) (L.D. 725) Bill "An Act To Ensure Retail Tobacco License Compliance"

(H.P. 1278) (L.D. 1831) Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Educational Personnel Part I and II, Requirements for Specific Certificates and Endorsements, a Major Substantive Rule of the Department of Education (EMERGENCY)

(H.P. 376) (L.D. 492) Bill "An Act To Clarify Who Receives Money from Fines for Violations of Maine's Soft-shelled Clam Laws" (C. "A" H-205)

(H.P. 682) (L.D. 907) Bill "An Act To Ensure the Safety of Facilities Dispensing Flammable Liquids" (C. "A" H-213)

(H.P. 694) (L.D. 919) Bill "An Act To Clarify the Sales Tax and Service Provider Tax Exemptions for Nonprofit Ambulance Services" (C. "A" H-212)

(H.P. 1092) (L.D. 1567) Resolve, To Demonstrate Cost Savings by Preventing the Onset of Severe Mental Illness in Youth (EMERGENCY) (C. "A" H-204)

(H.P. 1234) (L.D. 1768) Resolve, Regarding Legislative Review of Portions of Chapter 252: Rules Governing Certification of Seed Potatoes in the State of Maine, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources (EMERGENCY) (C. "A" H-203)

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

Senate as Amended

Resolve, To Encourage the Use of Safe Chemicals in Public Schools

(S.P. 32) (L.D. 88)

(C. "A" S-84)

Resolve, To Remove Barriers to Smoking Cessation Treatment in Maine

(S.P. 499) (L.D. 1421)

(C. "A" S-89)

House as Amended

Bill "An Act To Create a 10-chance Moose Hunting Permit Application for Residents"

(H.P. 12) (L.D. 11)

(C. "A" H-185)

Bill "An Act To Amend the Maine Administrative Procedure Act To Strengthen Safeguards for Small Businesses"

(H.P. 680) (L.D. 905)

(C. "A" H-202)

Bill "An Act To Allow Affordable Housing Discretionary Water and Sewer Fee Waivers"

(H.P. 846) (L.D. 1153)

(C. "A" H-211)

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

Bill "An Act To Establish the Missing Senior Citizen Alert Program"

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

(C. "A" H-196)

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

On motion of Representative CAMPBELL of Newfield, was **SET ASIDE**.

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

ENACTORS

Emergency Measure

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)

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 3 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 an Agriculture Education Registration Plate

(H.P. 746) (L.D. 986)

(C. "A" H-157)

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 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 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

(H.P. 40) (L.D. 39)

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. 133 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 11.15: Scallop Conservation Areas, Beals-Jonesport, a Major Substantive Rule of the Department of Marine Resources

(H.P. 1235) (L.D. 1769)

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. 133 voted in favor of the same and 1 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Mandate

An Act To Amend the Laws Governing Compulsory School Attendance

(S.P. 155) (L.D. 468)

(C. "A" S-63)

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

On **POINT OF ORDER**, Representative MILLS of Farmington asked the Chair to **RULE** if the pending question was debatable during the vote.

Subsequently, the chair **RULED** that the question was not debatable during the vote.

Representative PINGREE of North Haven **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.

On motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned. (Roll Call Ordered)

Acts

An Act To Change Snowmobile Registration Requirements

(S.P. 87) (L.D. 250)

(C. "A" S-70)

An Act Regarding Eminent Domain Authority and Certificate of Public Convenience and Necessity Requirements for the Construction of Transmission Lines

(S.P. 215) (L.D. 678)

(C. "A" S-62)

An Act To Reduce Lobster and Crab Fishing License Fees for Persons 70 Years of Age or Older

(H.P. 522) (L.D. 691)
(C. "A" H-154)

An Act To Provide Services for Adults with Diagnoses of Mental Retardation and Other Developmental Disabilities

(H.P. 547) (L.D. 726)
(C. "A" H-161)

An Act To Enhance the Wise Use and Sound Management of Maine's Wildlife Resources

(H.P. 549) (L.D. 728)
(C. "A" H-158)

An Act Regarding the Solar Energy Rebate Program

(S.P. 244) (L.D. 795)
(C. "A" S-67)

An Act To Enhance Education Services for Blind and Visually Impaired Children

(H.P. 659) (L.D. 870)
(C. "A" H-137)

An Act To Amend the Laws Relating to the Treatment of Maine State Retirement System Contributions for Terminated Members

(H.P. 660) (L.D. 871)
(C. "A" H-138)

An Act To Amend the Maine Health Data Organization Laws

(S.P. 290) (L.D. 902)
(C. "A" S-59)

An Act To Delay the Effective Date of Changes to Motor Vehicle Inspection Rules

(H.P. 713) (L.D. 938)
(C. "A" H-156)

An Act To Improve Employment Opportunities for Persons with Disabilities in Maine

(S.P. 349) (L.D. 1032)
(C. "A" S-71)

An Act To Change Building Requirements for County Buildings and Land

(H.P. 774) (L.D. 1056)
(C. "A" H-148)

An Act Regarding Energy-generating Facilities

(H.P. 789) (L.D. 1071)
(C. "A" H-134)

An Act To Increase the Per Diem for Members of the State Board of Arbitration and Conciliation

(H.P. 851) (L.D. 1158)
(C. "A" H-139)

An Act To Amend the Composition of the Maine Port Authority

(S.P. 435) (L.D. 1249)
(C. "A" S-68)

An Act To Enhance Protection against Rabies in Wolf Hybrids

(H.P. 911) (L.D. 1293)
(C. "A" H-141)

An Act To Amend the Laws Regarding Adult Education

(S.P. 563) (L.D. 1619)

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 End Fraud in Maine's Welfare Benefit Programs

(H.P. 150) (L.D. 168)
(C. "A" H-163)

Resolve, To Name the Gray Connector

(H.P. 993) (L.D. 1410)
(C. "A" H-155)

Resolve, To Support Community Planning for the Aging of the Population

(H.P. 1170) (L.D. 1661)
(C. "A" H-160)

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

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

UNFINISHED BUSINESS

The following 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.

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

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

- In Senate, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

TABLED - May 8, 2007 (Till Later Today) by Representative GERZOFISKY of Brunswick.

PENDING - REFERENCE IN CONCURRENCE.

Subsequently, the Bill was **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in concurrence.

SENATE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (S-83)** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Habitual Offender and Felony Operating Under the Influence Laws"

(S.P. 579) (L.D. 1674)

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-83)**.

TABLED - May 9, 2007 (Till Later Today) by Representative GERZOFISKY of Brunswick.

PENDING - ACCEPTANCE OF COMMITTEE REPORT.

Subsequently, the Unanimous Committee Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-83)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 15, 2007.

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

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-207)** - Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Amend the Laws Governing Bingo"

(H.P. 690) (L.D. 915)

Which was **TABLED** by Representative PATRICK of Rumford pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

The Chair laid before the House the following item which was **TABLED** earlier in today's session:
HOUSE DIVIDED REPORT - Majority (10) Ought Not to Pass - Minority (3) Ought to Pass as Amended by Committee Amendment "A" (S-93) - Committee on LEGAL AND VETERANS AFFAIRS on Bill "An Act To Prevent Retailers from Selling Liquor below Cost"

(S.P. 446) (L.D. 1283)

Which was **TABLED** by Representative PATRICK of Rumford pending his motion to **ACCEPT** the Minority **Ought to Pass as Amended Report**.

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

Representative **GOULD**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to speak in opposition to the pending motion. With all due respect to my colleague from Rumford and some of my fellow Committee members, I really do believe that this is a bill looking for a problem. We have very few occasions when retailers are selling alcohol to be low cost, and I would suggest to you that it is not our job to determine for them what they should use for a loss leader. It would definitely put our businesses at a competitive disadvantage and I would urge you to vote against the pending motion. Thank you.

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

Representative **PATRICK**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, Colleagues and Friends. I rise in support of the Ought to Pass as Amended motion and would like to say that alcohol in the State of Maine, whether it be liquor, beer, or wine, is a controlled substance. What we are talking about in this bill is big box stores versus mom-and-pop stores. In this instance, probably I think it was in Committee two, three, or four times per year. Your Hannaford's, your Shaw's, your big box stores, during special times of year, sell 30 packs of beer for \$5 under cost. Now, that is a great thing for consumers, but that is not necessarily a good thing for mom-and-pop stores, because we have laws on the books that say our little mom-and-pop stores would have to buy the beer from the same place the big stores buy it, for the same price the big stores buy it, cannot buy that beer at \$5 under what they can get it, and stock up and make a ton of money.

This is a free market issue, this is America, and I understand that. But this is one issue that to me, I bit my teeth on as a freshman legislator and had the good fortune to sit for this bill in the year 2000, when a lobbyist—and I am not going to mention any names, this lobbyist is not in Maine anymore so do not take it to heart, I do not know where you are and it does not bother me, but it is none of the lobbyists that have come before us this session—came before us and said that the big box stores do not want this whatsoever, it is going to hurt us, even though we have three, four, or five thousand different things we can use for loss leaders to get you to come in and buy the rest of our groceries, we do not want you to affect this one thing. Then the lobbyist said to me, "I also represent the mom-and-pop stores."

Well, the Committee voted 13-0 to kill the bill, but you have 24 hours to change your mind and on my way home to Rumford, because I was traveling back and forth instead of staying here, I stopped at 13 mom-and-pop stores and asked them the question, "Did you guys realize there are three or four times a year that the big box stores sell 30 packs for \$5 under cost?" They said, "Yes, we do. Our businesses are devastated for a couple of weeks." I said, "Well, why would that be?" "Well one, we cannot buy that beer and two, like most people, if they are going to get a bargain they are not going to buy one 30 pack, they are going to

buy three, four, or five of them and stock up. So, therefore, why would anyone want to go to a small mom-and-pop pizza place, or little place that sells beer, and buy it?"

Well, when I came back, getting the information for those 13 stores, I remember coming back and asking for reconsideration for the vote. When I did, I said to the lobbyist who was still there, "You know, you came that close from lying to me. As a matter of fact, I talked to 13 mom-and-pops and they said just the opposite you did. I think what you did was you did not lie to me, but you actually kind of misrepresented." I have never seen that lobbyist here again. So, that is the first time that I learned that a good lobbyist will tell you both sides of the issue, and that was one of them.

I think that was actually exaggerating what the truth is, but the fact of the matter is, this is a simple vote and I do not care how you vote on it. To me, it is important. I think the viability that we always talk about small business in Maine—90 percent of Maine is small business. Well, mom-and-pops are small business and not selling 30 packs for less than cost, is it going to affect the profit of any store whatsoever in the State of Maine—a Hannaford's or Shaw's? No it is not. But is it going to help the profits of the mom-and-pops? If you took all of the mom-and-pops in the State of Maine, add all of the employees together, it is probably equal to or greater than a lot of the big box stores in the State of Maine that they have to compete against. I would just ask you, urge you, I do not want to debate the bill for ever and ever, but just either vote it up or vote it down. Thank you very much.

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

Representative **GOULD**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I agree with my colleague that alcohol is indeed a regulated substance in this state. However, there is regulation and there is over regulation. I would encourage you all to take the two seconds to look at the amended version of the bill. It is one sentence and it says in pertinent part that the retailer cannot sell below cost, there are no exceptions.

How friendly are we being to small businesses, when they have inventory that is going stale and we are saying to them, "There is nothing you can do about it." Forgive me, but the last time I purchased a can of Budweiser, on the side, it says "Born on." That presupposes to me that there is a "Dies on" date and if I were the retailer, I would like to be able to sell it below cost before it dies. When the vote is taken, Mr. Speaker, I request the yeas and nays.

Representative **GOULD** of South Berwick **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **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 Eliot, Representative Lewin.

Representative **LEWIN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Unlike a lot of you, I spent 45 years of my life in retail. I started out as the third level stock clerk and when I left the business, I had managed businesses as large as \$55 million—and I might add, highly profitably.

I think loss leaders are a real important thing and I must tell you folks that it does not have anything to do with a big box or mom-and-pop, it has to do with all retail. Every single thing that we do in this House and in the other Body has a whole lot to do with how successful retail is in this state. I think it is red-hot time that every one of us brings our common sense into this Chamber

with us when we come. It is imperative that we stop over regulating business in this state if we expect to ever get out of the financial mess we are in.

I must tell you, just on cigarettes alone, I have no doubts that there will be a cigarette tax passed in this state, but it will not be with my help. I can tell you that my little retailer in my little town has lost \$1,500 a week in cigarette sales. Now, this is just a little tiny store that you could fit four or five into this room. They did not just lose cigarette sales, they lost milk, they lost bread, they lost a lot of things. If we do not stop over regulating retail and being more than unkind to retail, there will not be a whole lot of retail business left here, just like there is not as much paper and pulp as there used to be, and like there are not a lot of other businesses that used to be highly successful here. I urge you to think about this very carefully and to follow Representative Gould's light and mine. Thank you.

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

Representative **BLANCHETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I really find myself hurting when I have to disagree with the good House Chair from Rumford, Representative Patrick, but we do differ on this vote as you will see as the vote was taken, for any number of reasons.

I was in retail for 26, 27 years for Hannaford, a highly respected, very, very profitable company that has made the right decisions along the way, on how to succeed in a very, very hard industry. Retail, especially when the retail grocery business is a volatile explosive thing at best—if you do not run leaders, you stand the chance of the fresh produce that you bought from a Maine farmer, is going to rot on the shelf and you are going to write it off as freight, because you did not have the traffic in there to buy that produce. Every sale that we do, whether a small store or a big store, has impact on Maine economy.

This is very, very hard for me to say, but I guess I am finding myself more and more disenchanted with the ability and the wantfulness to go in and regulate business, to the point that it is detrimental for anyone, large or small, whatever, to want to relocate into the State of Maine and to bring in here and invest money. These large retailers, which would include Shaw's, Hannaford, Super Wal-Mart, any of the other stores that have large ones, have business plans that they plan for the year. They do like four, four times a year they do loss leaders on alcohol—four times. For goodness sakes, are we talking about 365 days a year? I mean we are just on a vengeance to run mom-and-pop out of business.

Mom-and-pop stores will always survive with us because they are a convenience that you use on the way to the lake, on the way home. I did it last night. I went by Hannaford and I forgot milk. I do not have milk for my coffee tomorrow morning, so where do I stop? I stop at a mom-and-pop store out in Winthrop and I pay almost \$2 for a very small jug of milk. Why did I do that? It was convenient, it was there. If I had turned my car around and gone back to Hannaford, I would have burned more money in gas. So mom-and-pop will survive, but we are not going to grow the Maine economy and provide jobs for a lot of people, that have benefits and offer retirement and everything that we look for in good enterprise when they come in here, if we continue to govern and regulate how they run their business, dictate to them how they write a business plan for the year, and say once again, "Gee, you are making too much money, so we have to put a stop to that." I urge you to vote against this Minority and go with the Ought Not to Pass. Let retail govern itself, it has done so for a hundred years and will continue. I thank you, Mr. Speaker.

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

Representative **BURNS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Retailing in America is playing capitalism in America. Big boxing in America is playing monopoly in America. If the big box, including Hannaford and Shaw's, purchases a product that has a shelf life and they over purchase, part of doing business, part of playing capitalism in America is that you sustain losses. I do not want their losses to be picked up by the small mom-and-pops who want to do more than just survive. These are small businesses. These are capitalists in America—not monopoly capitalists—that want to thrive in their communities, to be part of their communities, to respond to the needs of their communities, not just to shareholders and profits gained at cutting costs, to the point that we undermine our community and our local market.

I think it is important to keep that in mind and I would like to pose a question through the Chair to anyone who cares to answer it. I am a carpenter and not a lawyer, but it is my understanding that there are already laws that exist that prohibit us from selling goods below cost, for a very good reason, that doing that undermines the marketplace. It permits somebody to control the marketplace at the expense of someone else. So, if someone could speak to that, please. Is it not already illegal to sell goods below cost?

The SPEAKER: The Representative from Berwick, Representative Burns 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. I am sure there are many people in this room that are smarter and more knowledgeable about the liquor laws than I am, but I am going to give it a stab.

This law, what you are passing right here in LD 1283, only pertains to wine and beer. The State of Maine owns the liquor, the hard liquor business here, and they set the prices. We do not. The retailers do not. This is malt liquor and wine. So, there is a difference and just to point out a comparison, and I am finding it just a tad ironic that people that are in their own private little business, will go to Home Depot and buy things that are marked down as a leader, a come on, take it and do their business and mark it up and make a profit on that—double standards. I am not comfortable with them. I think retail has the right to govern itself, as long as it obeys the laws in the State of Maine. We have big and better things to do, so let's just put this thing to bed where it should have been, before it ever came out of Committee.

The SPEAKER: The Chair recognizes the Representative from Acton, Representative Nass.

Representative **NASS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I disagree with my good friend from Rumford. I would like to save the mom-and-pop stores too. I happen to live one beer away from mom-and-pop stores in New Hampshire. We have many mom-and-pop stores on the Maine side. When people go to New Hampshire to buy their beer that is reduced, they are also buying staples because these are usually summer people in our town, having 11 lakes and ponds. They are running down to the border to buy their pizza, they are buying their regular staples, they are buying their ice, they are buying their gas. I would like the mom-and-pop stores on my side to be able to have specials. I would like them not to be able to dump the dead beer, as my friend from South Berwick here has stated, and I urge you to follow my light and vote red, Ought Not to Pass.

The **SPEAKER**: The Chair recognizes the Representative from Lincolnville, Representative Walker.

Representative **WALKER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I also rise in opposition to this bill. This is an antibusiness bill. The Legislature should not be telling businesses how to price their products, and I would hope that you would join me in defeating this measure. Thank you, Mr. Speaker.

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

ROLL CALL NO. 62

YEA - Adams, Babbidge, Beaudoin, Berry, Blanchard, Boland, Brautigam, Bryant, Burns, Canavan, Carter, Casavant, Connor, Craven, Crockett, Dill, Dunn, Eberle, Gerzofsky, Harlow, Haskell, Hill, Hinck, Hogan, Jackson, Makas, Marley, Mazurek, Miramant, Patrick, Percy, Pilon, Priest, Rand, Schatz, Simpson, Sirois, Smith N, Theriault, Tuttle, Valentino, Wagner, Walcott, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Barstow, Beaudette, Beaulieu, Berube, Blanchette, Bliss, Browne W, Cain, Campbell, Cebra, Chase, Clark, Cleary, Conover, Cotta, Cray, Crosthwaite, Curtis, Driscoll, Duchesne, Eaton, Edgecomb, Emery, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Giles, Gould, Greeley, Grose, Hamper, Hanley S, Hayes, Jacobsen, Joy, Knight, Koffman, Lansley, Lewin, Lundeen, MacDonald, Marean, McDonough, McFadden, McKane, McLeod, Miller, Millett, Mills, Muse, Nass, Norton, Pendleton, Peoples, Perry, Pieh, Pingree, Pinkham, Piotti, Plummer, Pratt, Prescott, Rector, Richardson D, Rines, Robinson, Rosen, Samson, Savage, Saviello, Silsby, Strang Burgess, Sutherland, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Trinward, Vaughan, Walker, Weaver.

ABSENT - Cressey, Duprey, Gifford, Hotham, Kaenrath, Moore, Pineau, Richardson E, Richardson W, Treat, Watson, Woodbury.

Yes, 47; No, 91; Absent, 12; Vacant, 1; Excused, 0.

47 having voted in the affirmative and 91 voted in the negative, 1 vacancy with 12 being absent, and accordingly the Minority **Ought to Pass as Amended Report was NOT ACCEPTED.**

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

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

Bill "An Act To Establish the Missing Senior Citizen Alert Program"

(H.P. 587) (L.D. 769)
(C. "A" H-196)

Which was **TABLED** by Representative CAMPBELL of Newfield pending **PASSAGE TO BE ENGROSSED as Amended.**

On motion of Representative CAMPBELL of Newfield, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-196) was ADOPTED.**

The same Representative **PRESENTED House Amendment "A" (H-218) to Committee Amendment "A" (H-196)**, which was **READ** by the Clerk.

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

Representative **CAMPBELL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This amendment removes the mandate preamble from the committee amendment by making the reporting by local law enforcement agencies permissive rather than mandatory, and I request a roll call.

Representative CAMPBELL of Newfield **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-218) to Committee Amendment "A" (H-196).**

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 Harrison, Representative Sykes.

Representative **SYKES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think that this is a good thing to do. I think it always good to ask people to do something that they are already doing. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Hudson, Representative Duchesne.

Representative **DUCHESNE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I think I owe the body an apology. It so seldom happens that I actually know what we are talking about that I do not speak up much and I missed the opportunity, But I think that we may have had a fundamental misunderstanding when we debated this the other day. I did not speak up at the time, and I probably should have.

When we are talking about equating this to the Amber Alert, I think several speakers mentioned this during the course of the debate. If a child is abducted, normally that child is spirited by automobile, somewhere fairly distant, and in order to catch up to that incident you have to cast a pretty wide net. The Amber Alert, as it was intended, was a broadcast medium where you go out and you try to get the message out as fast as possible, as wide as possible. That is a different circumstance than if an elderly person wanders away from the house and may be four or five blocks away. You do not cast a particularly wide net. You do not involve statewide media. You do not necessarily put out a statewide alert to all of the police departments. It is a fairly narrow thing. Whoever is getting the mandate to develop this program, I do not know how they are going to do it, because this is not an equivalent of an Amber Alert situation. It is not what you would do normally with a child being abducted.

On **POINT OF ORDER**, Representative CROSTHWAITE of Ellsworth asked the Chair if the remarks of Representative DUCHESNE of Hudson were germane to the pending question.

The Chair reminded Representative DUCHESNE of Hudson to stay as close as possible to the pending question.

The **SPEAKER**: The Chair recognizes the Representative from Hudson, Representative Duchesne.

Representative **DUCHESNE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The corner was exactly correct, I was out of order.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-218) to Committee Amendment "A" (H-196). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 63

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaudoin, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Chase, Clark, Cleary, Connor, Conover, Craven, Crockett, Crosthwaite, Dill, Driscoll, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Flood, Gerzofsky, Giles, Gould, Greeley, Grose, Harlow, Hill, Hogan, Jackson, Jacobsen, Joy, Knight, Lundeen, MacDonald, Makas, Marley, Mazurek, McDonough, McFadden, McKane, McLeod,

Miller, Mills, Miramant, Muse, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Pieh, Pilon, Pingree, Pinkham, Piotti, Pratt, Prescott, Priest, Rand, Rector, Rines, Rosen, Savage, Saviello, Schatz, Silsby, Sirois, Smith N, Strang Burgess, Sutherland, Tardy, Theriault, Thomas, Tibbetts, Trinward, Tuttle, Valentino, Vaughan, Wagner, Walcott, Walker, Weaver, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Beaulieu, Berube, Browne W, Cebra, Cotta, Cray, Curtis, Duchesne, Edgecomb, Fitts, Fletcher, Hamper, Hanley S, Haskell, Hayes, Hinck, Koffman, Lansley, Lewin, Marean, Millett, Plummer, Richardson D, Robinson, Samson, Simpson, Sykes, Thibodeau.

ABSENT - Cressey, Duprey, Emery, Gifford, Hotham, Kaenrath, Moore, Perry, Pineau, Richardson E, Richardson W, Treat, Watson, Woodbury.

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

108 having voted in the affirmative and 28 voted in the negative, 1 vacancy with 14 being absent, and accordingly **House Amendment "A" (H-218)** to **Committee Amendment "A" (H-196)** was **ADOPTED**.

Representative BEAUDETTE of Biddeford **REQUESTED** a roll call on the motion to **ADOPT Committee Amendment "A" (H-196) as Amended by House Amendment "A" (H-218)** thereto.

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Adoption of Committee Amendment "A" (H-196) as Amended by House Amendment "A" (H-218) thereto. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 64

YEA - Adams, Annis, Ayotte, Barstow, Beaudette, Beaudoin, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Chase, Clark, Cleary, Connor, Conover, Craven, Crockett, Crosthwaite, Dill, Driscoll, Dunn, Eaton, Eberle, Emery, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Flood, Gerzofsky, Giles, Gould, Greeley, Grose, Harlow, Hill, Hogan, Jackson, Jacobsen, Joy, Knight, Lundeen, Makas, Marley, Mazurek, McDonough, McFadden, McLeod, Miller, Mills, Miramant, Muse, Nass, Norton, Pendleton, Peoples, Percy, Pieh, Pilon, Pingree, Pinkham, Piotti, Pratt, Priest, Rand, Rector, Rines, Rosen, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Theriault, Tibbetts, Trinward, Tuttle, Valentino, Vaughan, Wagner, Walcott, Walker, Weaver, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Austin, Babbidge, Beaulieu, Berube, Browne W, Cebra, Cotta, Cray, Curtis, Duchesne, Edgecomb, Fitts, Fletcher, Hamper, Hanley S, Haskell, Hayes, Hinck, Koffman, Lansley, Lewin, MacDonald, Marean, McKane, Millett, Plummer, Prescott, Richardson D, Robinson, Samson, Sykes, Tardy, Thibodeau, Thomas.

ABSENT - Cressey, Duprey, Gifford, Hotham, Kaenrath, Moore, Patrick, Perry, Pineau, Richardson E, Richardson W, Treat, Watson, Woodbury.

Yes, 102; No, 34; Absent, 14; Vacant, 1; Excused, 0.

102 having voted in the affirmative and 34 voted in the negative, 1 vacancy with 14 being absent, and accordingly **Committee Amendment "A" (H-196) as Amended by House Amendment "A" (H-218)** thereto was **ADOPTED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-196) as Amended by House Amendment "A" (H-218)** thereto and sent for concurrence. **ORDERED SENT FORTHWITH**.

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

An Act To Amend the Laws Governing Compulsory School Attendance

(S.P. 155) (L.D. 468)

(C. "A" S-63)

Which was **TABLED** by Representative PINGREE of North Haven pending **PASSAGE TO BE ENACTED**. (Roll Call Ordered)

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

In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 65

YEA - Adams, Annis, Austin, 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, Driscoll, Duchesne, Dunn, Eaton, Eberle, Edgecomb, Emery, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Gerzofsky, Giles, Greeley, Grose, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jackson, Jacobsen, Koffman, Lundeen, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, McFadden, McKane, McLeod, Miller, Millett, Miramant, Muse, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Pieh, Pilon, Pingree, Pinkham, Piotti, Pratt, Priest, Rand, Rector, Richardson D, Rines, Robinson, Rosen, Samson, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Tardy, Theriault, Tibbetts, Trinward, Tuttle, Valentino, Vaughan, Wagner, Walcott, Walker, Weaver, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Ayotte, Curtis, Dill, Flood, Gould, Hamper, Joy, Knight, Lansley, Lewin, Plummer, Prescott, Sykes, Thibodeau, Thomas.

ABSENT - Cressey, Duprey, Gifford, Hotham, Kaenrath, Mills, Moore, Perry, Pineau, Richardson E, Richardson W, Treat, Watson, Woodbury.

Yes, 121; No, 15; Absent, 14; Vacant, 1; Excused, 0.

121 having voted in the affirmative and 15 voted in the negative, 1 vacancy with 14 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

SENATE PAPERS

The following Joint Order: (S.P. 701)

Ordered, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, May 15, 2007. The House will convene at 9:00 and the Senate at 10:00 in the morning.

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

READ and **PASSED** in concurrence.

The following Joint Resolution: (S.P. 700)
JOINT RESOLUTION RECOGNIZING ADULT EDUCATION IN MAINE

WHEREAS, since 1871, Maine's public schools have supported the development of an adult education system that has

grown and adapted to meet the needs of Maine's population at 120 locations throughout the State, to serve more than 117,000 Maine adults annually; and

WHEREAS, adult education programs based in the public school systems are uniquely positioned to provide adults with the opportunity to learn close to where they live in Maine; and

WHEREAS, adult education programs are vital to the economic development of Maine, providing high school completion programs and courses specifically designed to help educate the workforce and prepare Maine adults for success in college; and

WHEREAS, the areas of emphasis in adult education include:

1. College transition programs, based upon collaboration with the Maine Compact for Higher Education, the Maine Community College System and the University of Maine System, which provide career guidance, an orientation to college and refresher and prerequisite classes for aspiring students. Comprehensive adult education college transition programs, such as the Maine College Transition Program, have been successfully piloted over 6 years with assistance from the Nellie Mae Education Foundation, the MELMAC Education Foundation and the Betterment Fund, and last year the State of Maine initiated the Maine College Transition Program at 6 sites. The goal is to increase the number of adults in Maine earning college degrees by 10,000 by 2020 through formal programs at more than 30 sites;

2. Direct service to Maine's dislocated workers, more than 3,500 of whom from 100 companies during the past 5 years have been helped;

3. Literacy and English as a Second Language programs, with 15,000 enrollments in 2007, and successful family literacy programs combining adult education and early childhood and parenting instruction;

4. High school completion and GED programs, with 3,108 credentials awarded in Maine in 2006;

5. Career preparation and upgrading courses for Maine workers, with more than 22,000 enrollments in 2006, and programs tailored specifically for Maine businesses, including the implementation of a Work Ready Credential program for Maine employers focusing on "soft skills" for success in the workplace; and

6. Community education courses, which have contributed to the quality of life in Maine communities, offering the opportunity in 2007 for Mainers 18 years of age and older to share talents and learn from others. In several regions, adult education programs are leading the way in developing the creative economy; and

WHEREAS, funding for adult education in Maine is a collaboration involving state subsidies, local taxpayer support, grants, contracts and fees paid by those enrolled in nonacademic courses; now, therefore, be it

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

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

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

CONSENT CALENDAR

First Day

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

(S.P. 218) (L.D. 681) Bill "An Act Concerning the Examination of Persons in Protective Custody" Committee on **JUDICIARY** reporting **Ought to Pass**

(S.P. 393) (L.D. 1205) Bill "An Act To Amend the Laws Preventing the Pollution of Portland's Water Supply" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass**

(S.P. 527) (L.D. 1500) Bill "An Act To Allow the Department of Environmental Protection To Charge Interest for Late Payment of Fees" Committee on **NATURAL RESOURCES** reporting **Ought to Pass**

(S.P. 95) (L.D. 280) Bill "An Act To Make a Conviction for a 6th Operating under the Influence Charge a Class B Crime" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-98)**

(S.P. 124) (L.D. 380) Bill "An Act To Protect the Public from Dangerous Dogs" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-91)**

(S.P. 358) (L.D. 1106) Bill "An Act To Recapitalize the Municipal Investment Trust Fund" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-95)**

(S.P. 461) (L.D. 1313) Bill "An Act To Amend the Solid Waste Management Laws" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-96)**

There being no objections, the above items were 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 **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-94)** on Resolve, Directing the Development of a Building Code and Building Rehabilitation Code Implementation Plan

(S.P. 214) (L.D. 677)

Signed:

Senators:

BROMLEY of Cumberland
SCHNEIDER of Penobscot
COURTNEY of York

Representatives:

BEAULIEU of Auburn
SAMSON of Auburn
AUSTIN of Gray
MacDONALD of Boothbay
PRESCOTT of Topsham
SILSBY of Augusta
SMITH of Monmouth
RECTOR of Thomaston
BEAUDETTE of Biddeford

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

Signed:

Representative:
CLEARY of Houlton

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-94)**.

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" (S-94)** was **READ** by the Clerk and **ADOPTED**. The Resolve was assigned for **SECOND READING** Tuesday, May 15, 2007.

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:
Representative:
WALCOTT of Lewiston

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

READ.

On motion of Representative PINGREE of North Haven, 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 item appeared on the Consent Calendar for the First Day:

(H.P. 38) (L.D. 37) Resolve, Regarding Legislative Review of Portions of MaineCare Benefits Manual, Chapter III, Section 50, Principles of Reimbursement for Intermediate Care Facilities for Persons with Mental Retardation, a Major Substantive Rule of the Department of Health and Human Services, Office of MaineCare Services (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-217)**

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

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

(H.P. 477) (L.D. 628) Bill "An Act To Permit Modification of Department-initiated Paternity Judgments Concerning Parental Rights" Committee on **JUDICIARY** reporting **Ought to Pass**

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

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

Representative **BURNS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would just like to remind you that last Friday, our Insurance and Financial Services Committee spent the entire day in discussions about universal healthcare, a very pressing issue for our state and for our nation. I am conducting a survey regarding press coverage of those hearings. To my knowledge, there has been none so far, so I am asking for you to keep an eye in your press and report back to me any coverage that you may have seen. At this point, there seems that there has been a blackout of media coverage on this very crucial issue and this very potential solution. Thank you all very much.

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

On motion of Representative CLEARY of Houlton, the House adjourned at 1:02 p.m., until 9:00 a.m., Tuesday, May 15, 2007 pursuant to the Joint Order (S.P. 701) and in honor and lasting tribute to the Honorable Lynwood E. Hand, of New Limerick, Roxianne Frances Wright, of Southport and James "Jim" N. Cummings, of Northport.

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act Requiring Public Disclosure of Health Care Prices"

(H.P. 962) (L.D. 1370)

Signed:
Senators:

BRANNIGAN of Cumberland
RAYE of Washington

Representatives:

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