

# 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  
45th Legislative Day  
Thursday, May 24, 2007

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

Prayer by Pastor William Bewell, Lincoln Center Baptist Church.

National Anthem by Jacqui Lochridge, Sabattus.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

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**COMMUNICATIONS**

The Following Communication: (H.C. 300)

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE 04333-0002**

May 23, 2007

Hon. Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to my authority under Executive Order 31 FY 06/07, I am pleased to appoint the following Representatives to serve as members of the Governor's Task Force on Wind Power Development.

Representative Bruce W. MacDonald of Boothbay

Representative Stacey Allen Fitts of Pittsfield

If you have any questions regarding these appointments, please feel free to contact me.

Sincerely,

S/Glenn Cummings

Speaker of the House

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 301)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE  
COMMITTEE ON APPROPRIATIONS AND FINANCIAL  
AFFAIRS**

May 22, 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 Appropriations and Financial Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 269 An Act To Retire the Mortgage of York County Community College

L.D. 800 An Act To Enhance the Maine State Grant Program

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

Sincerely,

S/Sen. Margaret Rotundo

Senate Chair

S/Rep. Jeremy Fischer

House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 302)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE  
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

May 22, 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 Insurance and Financial Services has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 439

An Act To Reform the Dirigo Health Program

L.D. 526

An Act To Increase Eligibility for the Dirigo Health Program

L.D. 912

An Act To Return Affordable Health Insurance to the State

L.D. 1028

An Act To Reform Dirigo Health

L.D. 1230

An Act To Protect Consumers against Inadequate Health Care Coverage

L.D. 1640

An Act To Allow Health Insurance Premiums To Vary Based on Behaviors Pertaining to Health

L.D. 1659

An Act To Improve the Affordability of Health Insurance for Maine People

L.D. 1715

An Act To Reduce the Cost of Health Insurance

L.D. 1716

An Act To Ensure That DirigoChoice Is Affordable

L.D. 1742

An Act To Permit Greater Flexibility in the Design of Affordable Health Insurance

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

Sincerely,

S/Sen. Nancy B. Sullivan

Senate Chair

S/Rep. John R. Brautigam

House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (S.C. 333)

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

May 23, 2007

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Please be advised the Senate today adhered to its previous action whereby Bill "An Act To Reestablish the Committee for the Training of Firefighters and To Clarify the Law Governing the Maine Fire Training and Education Program" (H.P. 1341) (L.D. 1910) was referred to the Committee on Criminal Justice and Public Safety in non-concurrence.

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

**READ and ORDERED PLACED ON FILE.**

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

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**ORDERS**

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 27)

**ORDERED**, that Representative Stacey Allen Fitts of Pittsfield be excused May 16 and May 17 for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Elizabeth S. Miller of Somerville be excused May 17 for legislative business.

**AND BE IT FURTHER ORDERED**, that Representative Peggy A. Pendleton of Scarborough be excused May 22 for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Thomas R. Watson of Bath be excused May 10 for personal reasons.

**READ and PASSED.**

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**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

the following members of the Scarborough High School Academic Decathlon Team, on winning the 2007 State Championship: students Arianna Bratt, Matthew Couillard, Emily Jameson, Caterina McLean, Saerim Park, Jonathan Russell, Nolan Scheemaker, Matthew Schaefer, Matthew Sirocki, Kenton Whipple and Alex Whittemore; and coaches Shane Davis and Jon York. This is the 20th State Championship that the school has participated in and it is the 18th State Championship it has won. The team placed 14th in the nation and 4th among small schools at the United States Academic Decathlon national finals in Honolulu, Hawaii. We extend our congratulations to the members of the Scarborough High School Academic Decathlon team on their achievements and wish them well in their future endeavors;

(HLS 469)

Presented by Representative McDONOUGH of Scarborough. Cosponsored by Senator BARTLETT of Cumberland, Representative PENDLETON of Scarborough.

On **OBJECTION** of Representative MCDONOUGH of Scarborough, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from Scarborough, Representative McDonough.

Representative **McDONOUGH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise this morning, to compliment the Scarborough High School Decathlon Team for their monumental accomplishments. I can tell you that the people of Scarborough are so proud of these young people. We constantly see the athletes that are recognized for stepping up and going beyond the bounds to accomplish their goals and objectives. These young people, in the area of academics, have really distinguished themselves, so I stand before you this

morning to congratulate them on behalf of the citizens of Scarborough, and wish them well in their endeavors. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Scarborough, Representative Pendleton.

Representative **PENDLETON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I, too, would like to congratulate the Academic Decathlon Team of Scarborough. Twenty years ago when the team first was forming, it was a difficult task just to get enough students to fill in all the positions. However, we did that and we watched it grow over the last 20 years, and I might add that we have won, I think, 18 out of the last 20. I, too, just wanted to stand and wish my very best and my congratulations to the team. Thank you.

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

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**Recognizing:**

Richard Aronson, M.D., MPH, of Hallowell, who is the recipient of the 2007 Ray E. Helfer, M.D. Award from the National Alliance of Children's Trust and Prevention Funds and the American Academy of Pediatrics for his valuable contributions to the prevention of child abuse and neglect. Dr. Aronson is a pediatrician and has almost 30 years of service and leadership as a public health and medical professional. He has served as the Maternal and Child Health Medical Director at the Maine Department of Health and Human Services since 2002. We acknowledge Dr. Aronson's dedication and service to the people of Maine and we send him our congratulations and best wishes on his receiving this well-deserved award;

(HLS 473)

Presented by Representative GROSE of Woolwich.

Cosponsored by Representative TREAT of Farmingdale, Senator McCORMICK of Kennebec.

On **OBJECTION** of Representative GROSE of Woolwich, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from Woolwich, Representative Grose.

Representative **GROSE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The 2007 Ray E. Helfer, M.D. Award is being presented to Richard Aronson, M.D., MPH, in the recognition of his valuable contributions to the prevention of child abuse and neglect. He is a Board-Certified pediatrician and has almost 30 years of service and leadership as a public health and medical professional. Since 2002, Dr. Aronson has served as the Maternal and Child Health Medical Director at the Maine Department of Health and Human Services. In June 2003, he was appointed to the Board of the Maine Children's Trust Fund, in recognition of his lifelong work and strong commitment to improving the lives of children and families.

His career includes 10 years of clinical pediatric practice as a developmental pediatrician, 14 years of Future Search facilitation, and senior level leadership in three state health departments, since 1983: Vermont, Wisconsin, and Maine. He has held clinical faculty positions in Pediatrics at the University of Vermont College of Medicine, the University of Wisconsin Medical School, and the Medical College of Wisconsin.

Dr. Aronson's work is well grounded in public health principles and his accomplishments are far too numerous to list here. When Maine received funding from the Alliance to implement the Strengthening Families Initiative, he immediately joined the steering committee. He has led numerous statewide efforts to prevent child abuse in Maine. He wrote and leads the state's

Early Childhood Humane Comprehensive Systems Grant and has engaged Governor level leadership, as well as involving communities and families. He serves on the Governor's Children's Cabinet and has strengthened the state's MCH epidemiologic capacity with a focus on using and analyzing data to strengthen systems. He developed a Maternal and Infant Mortality Program for Maine and launched a statewide effort to incorporate cultural competence into all aspects of MCH. It is a privilege and honor to have him here today. Thank you.

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

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**Recognizing:**

the Airline Community School in Aurora, whose students won the K-3 State Scholastic Chess Championship for the second year in a row. We send our congratulations to Coach Dan DeLuca and the chess team on this accomplishment;

(HLS 475)

Presented by Representative McFADDEN of Dennysville.

Cosponsored by Senator ROSEN of Hancock, Senator RAYE of Washington.

On **OBJECTION** of Representative TARDY of Newport, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

On motion of the same Representative, **TABLED** pending **PASSAGE** and later today assigned.

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**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-119)** on Resolve, To Provide for an Independent Evaluation of the Procedures and Programs of the Department of Human Services for Promoting Permanency and Safety for Children (EMERGENCY)

(S.P. 484) (L.D. 1396)

Signed:

Senators:

BRANNIGAN of Cumberland  
MARRACHÉ of Kennebec  
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

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

Signed:

Representative:

WALCOTT of Lewiston

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (S-119)** Report.

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-119).**

**READ.**

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

The Resolve was **READ ONCE. Committee Amendment "A" (S-119)** was **READ** by the Clerk and **ADOPTED.** The Resolve was assigned for **SECOND READING** Tuesday, May 29, 2007.

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Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-121)** on Bill "An Act To Amend the Family Medical Leave Laws"

(S.P. 119) (L.D. 375)

Signed:

Senators:

STRIMLING of Cumberland  
SULLIVAN of York  
DOW of Lincoln

Representatives:

TUTTLE of Sanford  
HASKELL of Portland  
DUPREY of Hampden  
JACKSON of Allagash  
BURNS of Berwick  
DRISCOLL of Westbrook

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

Signed:

Representatives:

CLARK of Millinocket  
THOMAS of Ripley  
SYKES of Harrison

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-121).**

**READ.**

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

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

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Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-295)** on Bill "An Act To Establish the Coyote Award Program"

(H.P. 763) (L.D. 1045)

Signed:

Senators:

BRYANT of Oxford  
PERRY of Penobscot  
GOOLEY of Franklin

Representatives:

JACKSON of Allagash  
RICHARDSON of Carmel

SAVIELLO of Wilton  
 FINCH of Fairfield  
 McLEOD of Lee  
 WHEELER of Kittery  
 LUNDEEN of Mars Hill  
 RICHARDSON of Greenville  
 BRYANT of Windham

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

Signed:  
 Representative:  
 EBERLE of South Portland

**READ.**

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

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

**CONSENT CALENDAR**

**First Day**

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

(H.P. 886) (L.D. 1258) Bill "An Act To Clarify the Laws Governing Landowner Liability" Committee on **JUDICIARY** reporting **Ought to Pass**

(H.P. 902) (L.D. 1274) Bill "An Act To Allow the Discharge of Aquatic Pesticides Approved by the Department of Environmental Protection for the Control of Mosquito-borne Diseases in the Interest of Public Health and Safety" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-302)**

(H.P. 964) (L.D. 1372) Bill "An Act To Increase Caps on Damages in Actions under the Maine Human Rights Act" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-303)**

(H.P. 1030) (L.D. 1468) Bill "An Act To Adjust the Milk Handling Fee" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-306)**

(H.P. 1031) (L.D. 1469) Bill "An Act To Enhance Accountability in Future Tax Increment Financing" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-299)**

(H.P. 1173) (L.D. 1664) Bill "An Act To Exempt Vegetable Seeds and Fertilizer from the Sales Tax" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-308)**

(H.P. 1231) (L.D. 1765) Bill "An Act To Ensure End-of-life Care for Children with Terminal Illnesses" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-301)**

(H.P. 1258) (L.D. 1803) Bill "An Act To Clarify Comprehensive Planning and Land Use Ordinances" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-300)**

(H.P. 1268) (L.D. 1816) Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory Committee on **TAXATION**

reporting **Ought to Pass as Amended by Committee Amendment "A" (H-307)**

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. 315) (L.D. 998) Bill "An Act To Further Facilitate the Regionalization of Emergency Communications Dispatching Services" (EMERGENCY) (C. "A" S-124)

(S.P. 332) (L.D. 1015) Bill "An Act To Amend the Unemployment Laws" (C. "A" S-122)

(S.P. 367) (L.D. 1115) Bill "An Act Concerning Licensure as a Master Well Driller or a Master Pump Installer" (EMERGENCY) (C. "A" S-127)

(S.P. 370) (L.D. 1118) Bill "An Act To Provide Certain Requirements for Rules Related to Rate Setting for Mental Retardation Services and Mental Health Managed Care" (C. "A" S-126)

(S.P. 447) (L.D. 1284) Bill "An Act To Create the Energy Independence Act" (EMERGENCY) (C. "A" S-125)

(S.P. 456) (L.D. 1308) Bill "An Act To Ensure Consistency in Patient Care in Nursing Homes" (C. "A" S-120)

(S.P. 652) (L.D. 1834) Bill "An Act To Authorize the Use of Timber Harvesting Revenues for Land Management" (C. "A" S-123)

(H.P. 354) (L.D. 455) Bill "An Act To Restrict Use of Trails Designed for All-terrain Vehicles" (C. "A" H-291)

(H.P. 414) (L.D. 536) Bill "An Act To Promote Efficiency in the Use of the Communications Equipment Fund" (EMERGENCY) (C. "A" H-294)

(H.P. 861) (L.D. 1180) Bill "An Act To Promote Transportation Planning, Increase Efficiency and Reduce Sprawl" (C. "A" H-296)

No objections having been noted at the end of the Second Legislative Day, 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.

**BILLS IN THE SECOND READING**

**House as Amended**

Bill "An Act To Amend Laws Pertaining to Entry into the Lobster Fishery"

(H.P. 392) (L.D. 509)  
 (C. "A" H-255)

Bill "An Act To Protect Wild Trout from Exotic Species"

(H.P. 799) (L.D. 1081)  
 (C. "A" H-269)

Bill "An Act To Amend the Laws Governing Reimbursement of Nursing Facilities"

(H.P. 1178) (L.D. 1669)  
 (C. "A" H-292)

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

**ENACTORS**

**Emergency Measure**

An Act To Allow a Landowner To Erect Installations in or near a State or State Aid Highway

(H.P. 696) (L.D. 921)  
(C. "A" H-222)

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. 123 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.

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**Emergency Measure**

An Act To Preserve Agricultural Fairs in Rural Maine

(H.P. 699) (L.D. 924)  
(C. "A" H-227)

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

Representative PRATT of Eddington **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.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

**ROLL CALL NO. 80**

YEA - Adams, Annis, Austin, Ayotte, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, 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, Dunn, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finch, Finley, Giles, Fischer, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Gould, Grose, Hamper, Hanley S, Harlow, Haskell, 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, 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, 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 - Babbidge, Berube, Cressey, Duprey, Emery, Fisher, Greeley, Hayes, Norton, Richardson E, Simpson.

Yes, 139; No, 0; Absent, 11; Vacant, 1; Excused, 0.

139 having voted in the affirmative and 0 voted in the negative, 1 vacancy with 11 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**Emergency Measure**

An Act To Establish a Special License Plate To Honor Maine Residents Serving Our Country

(H.P. 724) (L.D. 964)  
(C. "A" H-223)

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

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**Emergency Measure**

An Act To Clarify and Update the Laws Related to Health Insurance

(H.P. 1053) (L.D. 1503)  
(C. "A" H-234)

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. 125 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**Acts**

An Act To Provide Native Americans with Lifelong Licenses and Permits to Hunt, Fish and Trap

(H.P. 49) (L.D. 51)  
(C. "A" H-228)

An Act To Ensure Equitable Geographic Representation on the State Board of Education

(S.P. 240) (L.D. 791)  
(S. "A" S-107 to C. "A" S-43)

An Act To Allow Special Olympics Maine To Conduct an Open Bass Fishing Tournament

(H.P. 622) (L.D. 825)  
(C. "A" H-230)

An Act Concerning the Taking of Nuisance Animals

(H.P. 979) (L.D. 1387)  
(C. "A" H-229)

An Act To Protect a Borrower's Right To Use the Borrower's Chosen Accounting Service

(H.P. 1022) (L.D. 1452)  
(C. "A" H-235)

An Act To Create a Service Model for Delivering Career and Technical Education

(H.P. 1057) (L.D. 1532)  
(C. "A" H-224)

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

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**Resolves**

Resolve, Requiring the Maine Community College System To Return Real Property and Buildings to the City of Eastport

(H.P. 192) (L.D. 221)  
(C. "A" H-54; S. "A" S-110)

Resolve, Directing the Maine Turnpike Authority To Study the Relocation of the York Toll Booth

(H.P. 412) (L.D. 534)

Resolve, Regarding Measures To Ensure the Continued Health and Commercial Viability of Maine's Seacoast by Establishing Nutrient Criteria for Coastal Waters

(H.P. 915) (L.D. 1297)  
(C. "A" H-219)

Resolve, To Authorize the State To Sell a Certain Property with Buildings Located within the City of Old Town

(H.P. 1343) (L.D. 1911)

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

An Act To Support the Maine Patent Program

(H.P. 632) (L.D. 833)  
(C. "A" H-225)

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

On motion of Representative SMITH of Monmouth, 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. 81**

YEA - Adams, Annis, Austin, Ayotte, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, 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, Dunn, Duprey, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Gould, Greeley, Grose, Hamper, Hanley S, Harlow, Haskell, 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, 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, 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 - Babbidge, Berube, Cressey, Emery, Hayes, Norton, Richardson E, Simpson.

Yes, 142; No, 0; Absent, 8; Vacant, 1; Excused, 0.

142 having voted in the affirmative and 0 voted in the negative, 1 vacancy with 8 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 matter, in the consideration of which the House was engaged at the time of adjournment yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Joint Order, To Recall L.D. 348 from the Legislative Files

(H.P. 1344)

TABLED - May 17, 2007 (Till Later Today) by Representative PATRICK of Rumford.

PENDING - **PASSAGE** (2/3 Vote Required).

Representative PATRICK of Rumford **REQUESTED** a roll call on **PASSAGE**.

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

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

Representative **PATRICK**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. All I can say is that this is your only opportunity, if you decided to bring this out of the dead files. If you support this motion, you are actually supporting the opportunity to try to have some type of PAC reform. Thank you.

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. With all due respect to my colleague on the other side, I would suggest to you that this is not your only opportunity. The Committee on Legal and Veterans Affairs has, in fact, held over a PAC reform bill and will be working long and hard on it. Thank you.

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

Pursuant to Joint Rule 404, this Joint Order required the affirmative vote of two-thirds of those present for **PASSAGE**, a total was taken.

**ROLL CALL NO. 82**

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

NAY - Annis, Austin, Ayotte, Beaulieu, Browne W, Campbell, Cebra, Chase, Cotta, Cray, Cressey, Crosthwaite, Curtis, Duprey, Edgecomb, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Hamper, Jacobsen, Joy, Knight, Lansley, Lewin, Marean, McDonough, McFadden, McKane, McLeod, Millett, Moore, Muse, Nass, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Samson, Savage, Saviello, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Walker, Weaver, Woodbury.

ABSENT - Babbidge, Berube, Dill, Emery, Hayes, Hotham, Norton, Piotti, Richardson E, Simpson, Vaughan.

Yes, 81; No, 58; Absent, 11; Vacant, 1; Excused, 0.

81 having voted in the affirmative and 58 voted in the negative, 1 vacancy with 11 being absent, 81 being fewer than two-thirds of those present, the Joint Order **FAILED PASSAGE**.

**CONSENT CALENDAR**

**First Day**

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

(H.P. 934) (L.D. 1326) Bill "An Act To Increase Civil Penalties for Violations of Fire Code Laws Applicable to Fire Escape Installment and Maintenance" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass**



(H.P. 1247) (L.D. 1785) Bill "An Act To Require Automated External Defibrillators in Extracurricular Activities in Kindergarten to Grade 12" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-311)**

(H.P. 1260) (L.D. 1805) Bill "An Act To Preserve Home Care Coordination Services for Long-term Care Consumers Served in the Community" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-309)**

(H.P. 1269) (L.D. 1821) Resolve, Regarding Legislative Review of Portions of Chapter 131: The Maine Federal, State and Local Accountability Standards, a Major Substantive Rule of the Department of Education (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-312)**

(H.P. 1295) (L.D. 1859) Bill "An Act To Prepare All Maine Students for College, Career and Citizenship" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-313)**

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

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**REPORTS OF COMMITTEE**  
**Divided Reports**

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Fund Community Health Centers"

(H.P. 1046) (L.D. 1484)

Signed:

Senators:

PERRY of Penobscot  
NASS of York

Representatives:

PIOTTI of Unity  
RAND of Portland  
WOODBURY of Yarmouth  
HOTHAM of Dixfield  
WATSON of Bath  
CHASE of Wells  
PILON of Saco  
LANSLEY of Sabattus

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-298)** on same Bill.

Signed:

Senator:

STRIMLING of Cumberland

Representatives:

KNIGHT of Livermore Falls  
CLARK of Millinocket

**READ.**

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

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-297)** on Bill "An Act To Repeal the Maine Use Tax"

(H.P. 695) (L.D. 920)

Signed:

Senators:

PERRY of Penobscot  
NASS of York

Representatives:

PIOTTI of Unity  
RAND of Portland  
KNIGHT of Livermore Falls  
CLARK of Millinocket  
HOTHAM of Dixfield  
CHASE of Wells  
PILON of Saco  
LANSLEY of Sabattus

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

Signed:

Senator:

STRIMLING of Cumberland

Representatives:

WOODBURY of Yarmouth  
WATSON of Bath

**READ.**

On motion of Representative PINGREE of North Haven, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

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Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-304)** on Bill "An Act To Prohibit Maine from Participating in a National Identification Card System"

(H.P. 831) (L.D. 1138)

Signed:

Senators:

HOBBINS of York  
NUTTING of Androscoggin  
HASTINGS of Oxford

Representatives:

SIMPSON of Auburn  
BRYANT of Windham  
DUNN of Bangor  
MILLS of Farmington  
CASAVANT of Biddeford  
BERUBE of Lisbon  
JACOBSEN of Waterboro  
NASS of Acton

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

Signed:

Representative:

DILL of Cape Elizabeth

Representative LORING of the Penobscot Nation - of the House - supports the Majority **Ought to Pass as Amended by**

**Committee Amendment "A" (H-304) Report.**

**READ.**

On motion of Representative PINGREE of North Haven, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-304)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 29, 2007.

**CONSENT CALENDAR**

**First Day**

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

(H.P. 883) (L.D. 1241) Bill "An Act To Provide Uniform Treatment of Prior Convictions in the Maine Criminal Code" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-314)**

(H.P. 1283) (L.D. 1841) Bill "An Act To Improve the Efficiency of the Maine Emergency Medical Services System" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-315)**

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

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

**HOUSE DIVIDED REPORT - Majority (12) Ought to Pass as Amended by Committee Amendment "A" (H-295) - Minority (1) Ought Not to Pass - Committee on INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Establish the Coyote Award Program"

(H.P. 763) (L.D. 1045)

Which was **TABLED** by Representative JACKSON of Allagash pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-295)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 29, 2007.

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

**SENATE PAPERS**

The following Joint Resolution: (S.P. 715)

**JOINT RESOLUTION RECOGNIZING THE GIFT OF THE MAINE TOURMALINE NECKLACE TO THE PEOPLE OF THE STATE OF MAINE**

WHEREAS, it is desirable that the State should encourage the promotion of materials that are the products of the State, its history and traditions; and

WHEREAS, the advancement of knowledge and understanding of the State is accomplished in part by objects of artistic, cultural and educational interest; and

WHEREAS, tourmaline, by virtue of its discovery in 1820, the year in which Maine became a state, its association with Vice President Hannibal Hamlin and other illustrious Maine people, and its prominence in the gem and mineral field since the discovery of the largest tourmaline find in the world at Newry in 1972, has richly deserved its designation as the official mineral of

the State of Maine bestowed upon it by the One Hundred and Fifth Legislature; and

WHEREAS, the rendering in 1975 of Maine tourmaline and gold into the Maine Tourmaline Necklace by a Maine artisan, Addison W. Saunders of Ellsworth, created a beautiful symbol of state resources, pride and craftsmanship, and as an original work of art represents a form of expression that will promote a deeper knowledge and understanding of the history and skills of Maine people; and

WHEREAS, the Maine Tourmaline Necklace, made from gold nuggets panned from the Swift River in Byron, was presented to the State of Maine by the Maine Retail Jewelers' Association in 1977; and

WHEREAS, the One Hundred and Eighth Legislature declared its deep appreciation and enduring gratitude for this gift, which, in terms of those unseen and eternal things that make it priceless, depicts the grace, charm and pride of Maine people; and

WHEREAS, the Maine Tourmaline Necklace has been worn by the First Ladies of Maine at official state functions during the last 30 years and is now on display at the Blaine House, the official residence of the Governor of Maine; 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 on the 30th anniversary of receiving the necklace to recognize the Maine Tourmaline Necklace as a symbol of the beauty and riches that Maine has to offer.

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

**READ** and **ADOPTED** in concurrence.

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

**HOUSE DIVIDED REPORT - Majority (9) Ought to Pass as Amended by Committee Amendment "A" (S-121) - Minority (3) Ought Not to Pass - Committee on LABOR** on Bill "An Act To Amend the Family Medical Leave Laws"

(S.P. 119) (L.D. 375)

Which was **TABLED** by Representative TUTTLE of Sanford pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

Representative TUTTLE: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would encourage you all to vote for the Majority Ought to Pass Report from the Committee on Labor. LD 375, "An Act To Amend the Family Medical Leave Laws," the bill adds "domestic partner" to the list of family members that employees may use in family medical leave, to take care of family members. The bill also defines "domestic partner" to mean the partner of an employee who is a mentally, competent adult, as an employee, has been legally domicile with the employee for at least 12 months, and is not legally married to or legally separated from another individual, and also is a sole partner of the employee and expects to remain so, and is jointly responsible with the employee for each other's common welfare, as evidence by joint living arrangement, joint financial arrangement, or joint ownership of real estate property.

The Amendment is the Majority Report on the Committee on Labor, and the Minority Report is Ought Not to Pass. Mr. Speaker, Men and Women of the House, I think it is only common sense that hardworking Maine people should be able to care for their families and loved ones in time of need, without jeopardizing their jobs. This means a worker can take an ailing

wife for medical treatment, or have time to bond with a baby during the first weeks of life. The leave is not paid, is limited, but it makes it possible to be a responsible worker and a caring family member at the same time.

Unfortunately, this law now excludes certain workers whose families are not covered by the Maine Family Medical Leave Act, leaving them to make impossible choices between keeping their jobs and attending their family's needs. Changing this law, in my opinion, will promote fairness and equity, amending the law to cover domestic partners and their children, will address a key form of discrimination. It will strengthen families; the change will strengthen and support Maine families and reduce the harm caused, when workers can attend to their children or partners in a time of need. Thank you, Mr. Speaker.

Representative THOMAS of Ripley **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 Ripley, Representative Thomas.

Representative **THOMAS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is yet another mandate on employers. When will we have enough barriers to creating a job in Maine? When won't we have made it difficult enough to create a job? I think this is just another mandate that we do not need.

But my biggest problem with this bill is that it exempts siblings, brothers and sisters do not apply. If two hardworking Maine brothers who had been living together all of their lives want family leave, they are not allowed to have it under this bill. If two sisters have been living together all of their lives and they want family leave, they are not allowed to have it. We call this the Family Medical Leave Act, and then we exempt family. I think we can do better. I think we should send this back to the Committee and demand that they do better. Thank you.

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 am on the Ought Not to Pass side of this particular piece of legislation. I am there because I see any expansion, any expansion, of the family medical leave as a burden, and that burden is a cost to businesses. I see this as another nail in the coffin of businesses. We already have a very poor business climate and I am concerned that this just adds to that. I hope we can defeat this motion. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Hampden, Representative Duprey.

Representative **DUPREY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I am an employer, I have almost 60 employees. I do not see this bill as a major burden on employers. Even though I am covered by family medical leave anyway, what I see this as a compassionate bill. I have employees that are in relationships, same sex and opposite sex, and if they need time off to care for a dying loved one, I think it would be uncompassionate of me not to be able to make sure that that leave happens. I would do it anyway, but there may be an employer that would not. That is why there was no opposition at the public hearing, and that is why I am on the Ought to Pass.

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. 83**

**YEA** - Adams, Barstow, Beaudoin, Beaulieu, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Connor, Conover, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Duprey, Eaton, Eberle, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Flood, Gerzofsky, Gould, Greeley, Grose, Hanley S, Harlow, Haskell, Hill, Hinck, Hogan, Jackson, Kaenrath, MacDonald, Makas, Marley, Mazurek, Miller, Mills, Miramant, Moore, Muse, Nass, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Piotti, Pratt, Priest, Rand, Rector, Richardson D, Rines, Robinson, Rosen, Saviello, Schatz, Silsby, Sirois, Smith N, Sutherland, Tardy, Theriault, Treat, Trinward, Tuttle, Valentino, Wagner, Walcott, Walker, Watson, Webster, Weddell, Woodbury, Mr. Speaker.

**NAY** - Annis, Austin, Ayotte, Beaudette, Cebra, Chase, Clark, Cleary, Cotta, Cray, Crosthwaite, Curtis, Edgecomb, Fitts, Fletcher, Giles, Hamper, Hotham, Jacobsen, Joy, Knight, Lansley, Lewin, Lundeen, Marean, McDonough, McFadden, McKane, McLeod, Pinkham, Plummer, Prescott, Richardson W, Samson, Strang Burgess, Sykes, Thibodeau, Thomas, Tibbetts, Vaughan, Weaver.

**ABSENT** - Babbidge, Berube, Cressey, Emery, Gifford, Hayes, Koffman, Millett, Norton, Pineau, Richardson E, Savage, Simpson, Wheeler.

Yes, 95; No, 41; Absent, 14; Vacant, 1; Excused, 0.

95 having voted in the affirmative and 41 voted in the negative, 1 vacancy with 14 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-121)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 29, 2007.

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

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

**UNFINISHED BUSINESS**

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

**HOUSE DIVIDED REPORT** - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-289)** - Minority (6) **Ought Not to Pass** - Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Increase the Distance from a School within Which an Agency Liquor Store May Not Be Located"

(H.P. 645) (L.D. 846)

**TABLED** - May 23, 2007 (Till Later Today) by Representative **PATRICK** of Rumford.

**PENDING** - Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report. (Roll Call Ordered)

Subsequently, Representative **NASS** of Acton **WITHDREW** her request for a **ROLL CALL**.

The Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-289)** was **READ** by the Clerk.

Representative **PATRICK** of Rumford **PRESENTED** House **Amendment "A" (H-305)** to **Committee Amendment "A" (H-289)**, which was **READ** by the Clerk.

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 just want to briefly touch base with you about this bill. It is a very uncomfortable position, once again, that I find myself in opposition to my good House Chair, Representative Patrick.

Although this bill basically was not a bad bill if it was going to accomplish anything, I find myself in opposition to this and the Amendment because I see it as, once again, big government stepping in and telling a business what they can do and cannot do, when they have secured a license to be a malt, beer, wine, or liquor sales person. I do not believe that we would even think, would not cross our mind, or even consider putting a bill in to restrict TJ Maxx from putting a picture in their window of a scantily clad lady in a string bikini, that was causing my teenage son to have nasty little thoughts with this hormones. Put the comparison in, it is there: You are saying because a beer or a wine or a spirits manufacturer, through a duly licensed agent of the State of Maine, wants to put a picture of a suitcase of beer, a bottle of wine, or maybe they want to promote some other little second known type of beer, that this in fact is going to entice children—by the way, it is against the law to drink in the State of Maine under 21, so I do not believe that agent would be selling to children anyway—but this is going to entice them to drink?

You know, Ladies and Gentlemen, I have found that children are enticed to drink more from the habits that they find in their families, than from any advertisement in a picture window that is going by. Merchants that pay a business license in this unfriendly business state that we happen to live in, have a right to advertise and promote their wares. So, if you want to restrict people from putting signs of advertising Budweiser, Miller Lite, Arbor Mist, or whatever in their windows, I expect to see a companion bill or further floor amendment, to amend all retailers to prohibit them from putting window signs of anything up that could, in fact, entice somebody to come into their store to buy, or maybe cause impure thoughts in one of their juvenile patrons. I am going to urge you to vote against this. Give the people in Maine a break and let them exercise common sense. I do not believe this is necessary.

I was on Legal and Vets two years ago, when the people from down on the coast came to us, requesting the licensing of an additional agency liquor store with the requirements to be waived of the parking requirement that are requirements under the title that governs liquor stores, because they wanted to put a liquor store on the streets where the very people that you entice with your lovely towns and your seafood festivals and your jazz concerts, to come in and pay \$300 a night to stay in your bed and breakfast, but yet you do not want them to be able to know where on the street where they are staying, they can walk two blocks and buy a six pack of Shipyard beer, or a bottle of Arbor Mist wine, or maybe they even buy some Allen's Coffee Brandy, the drink of Maine.

I am just asking you to once again, think of what you are doing to your business people. This is not going to prevent under age drinking anymore than the signs are going to entice or increase teenage drinking. If you think the kids live in a bubble and they do not know it is out there, you better talk to your kids and find out what they know. This is an antibusiness bill that needs to be defeated in this House. It never should have been introduced because it serves no purpose, but once again, to deter people from wanting to do business in the State of Maine. Thank you, Mr. Speaker.

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

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

The SPEAKER: The Representative may pose his question.

Representative **BARSTOW**: Thank you, Mr. Speaker. My question would be it is my understanding that there are laws on the books at this time that regulate how advertising for tobacco can be done. Would this study look to have similar laws or similar recommendations with regards to alcohol?

The SPEAKER: The Representative from Gorham, Representative Barstow has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Boothbay, Representative MacDonald.

Representative **MacDONALD**: Mr. Speaker, this amended bill would propose a study to look at all aspects of marketing alcohol: beer, wine, and hard liquor. It would propose a study by the Bureau of Public Safety to do that. There is no fiscal note, by the way, attached to this study, whatsoever.

It would also allow the Bureau of Public Safety to look at all of our policy regulations around the sale of beer, wine, and liquor, and come back to the Legislature with the results of that study. All it proposes is a study and nothing else, and it could include the kids of advertising that the good Representative asked questions about. I hope that answers the question of the questioner.

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. Representative Blanchette started her speech by saying it gave her great pain to disagree with her chair. I can empathize because it gives me equal pain, I assure you, to agree with Representative Blanchette, but I wholeheartedly do in this case and I would strongly urge you all to vote in opposition to the pending motion. Thank you.

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

Representative **PATRICK**: Thank you Mr. Speaker. Mr. Speaker, Colleagues of the House. I have not heard such a great diatribe, as the good Representative from Bangor has put on, since I last visited Hollywood Slots. This is not an antibusiness bill. If you read the Resolve, it is not going to do anything but study at no cost. Usually, we are debating whether or not we can afford to study or not, but the public safety, because of youth alcohol substance abuse issues, believes there may be something. They are not coming back with a bill; they are coming back with a recommendation. If there is nothing, nothing is going to happen. I really cannot say whether anything is going to happen. Probably, there might be a dozen stores within 300 feet of a school. The rest of the 280 of them may be 1,000 or 5,000 feet away from the school, I do not know.

But what we are looking at is simple: Do you want to study some of the issues that were brought forward, and most of the issues were based on substance abuse issues? Do you think we have one with alcohol and substance abuse in the State of Maine? It is a known fact that we do. We are not looking at doing anything to business. It is simple, it is not rocket science. A simple study that will cost nothing, that is what the vote is going to be. Do you want to allow us to have a simple study of the stakeholders or not? I would urge you to vote to support this amendment. 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. My good House Chair could not be more wrong. I say that with all the love and respect in my heart and he knows I love him dearly and I do respect him as my House Chair.

Why are you asking a department that is so scantily manned, to do a study when no one has said that this study will bring forth any facts? You have a Department of Substance Abuse; Kim Johnson is the Director of that, it falls under the whole offices under the Department of Health and Human Services. If a study on underage drinking and the impact of visual signs is going to be conducted, I do not believe that the best expenditure of my tax dollars is to take a State Trooper—these are the people that head this department up, do not kid yourself. This is not a \$9 an hour employee, this is an employee that we have put through 18 weeks at the Academy; we have housed and maintained \$100,000 in cars and equipment. This is the person that is going to head this study. Well, you know what? We do not have the personnel in the Department of Public Safety to do this.

Now, nobody has ever shown me anything, any shred of proof that would indicate that this study would bring forth any tangible results. We do have an underage drinking problem. We have a severe underage drinking problem in this state, but to do another study? I hate to tell you, but we probably have five warehouses around this complex that are holding studies that have been done, and have hit the shelf and nothing has ever been done about them. Let's generate our area. If you are worried about underage drinking in your community, jump in there and get involved in it and how you combat it, talk to your children, preach to children when they come home to make sure that they have not been drinking. But to take my tax dollars, in a department that is so understaffed now, to do a study is absolutely ludicrous. I think we have better things to do with our time and our money. With all the love and respect to my House Chair, we agree to disagree on this one.

The **SPEAKER**: The Chair recognizes the Representative from Freeport, Representative Webster.

Representative **WEBSTER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As a member who served on the Office of Substance Abuse Advisory Commission for several years now, you have heard me speak several times about the challenges we face regarding the epidemic of underage drinking. I have not been deeply involved in this specific piece of legislation, however I think it is important to mention a few things that I have been involved in that relate to it.

Not long ago, I presented to several committees, information regarding the United States Surgeon's Call to Action, which was endorsed by the First Lady, Laura Bush: a major report by the Office of Substance Abuse from our state, and a national study called a Blueprint for America. In each of these, the Surgeon General, the First Lady, our own Office of Substance Abuse, the national study, each has said that we need to reexamine the way that we view alcohol in our lives. We need to reexamine the way that we think about and accept the wallpaper of advertising, the wallpaper or the permanence everywhere of the idea that alcohol and underage drinking is somehow a right of passage, normal and healthy. We need to take a look at the way that we influence our children. Each of these reports suggests that we cannot do it by education alone. We cannot do it through substance abuse counseling alone. We cannot do it by doing talks from stages to children, shaking our finger, and telling them how to act. We need to change the way that we as a culture think and act and advertise and talk. It is about who we are and the way we think about life in general regarding this issue.

This study is one small piece. I do not know the details of it. I think, though, that based on the Surgeon General's report, they said we need to have every component of our culture including the State Police, the Legislatures, our teachers, and our parents and families, involved in a discussion, a conversation to rethink the way that we think about this issue and this alcohol epidemic. If, in fact, this study continues that conversation, I would encourage it, I am going to be voting for it. I would encourage you to think deeply before you are concerned about perhaps having a study that might ask industry to think about the way they are part of the solution or part of the problem. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Boothbay, Representative MacDonald.

Representative **MacDONALD**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to thank the good Representative from Freeport for those remarks. I would just like to clarify one thing: This bill does not seek to change anyone's personal or familial behavior, or does not seek to do anything about the ways schools treat alcohol. It looks at how the community, the state, deals with alcohol; it looks at the state's policies with respect to alcohol.

Far from being an antibusiness bill, it would recognize that we already have regulations on the books that do regulate how alcohol is marketed in the state. There are already rules that say, for example, an agency liquor store may not be placed within 300 feet of a school. In our community, Boothbay Harbor, that resulted in an agency liquor store being put in place directly across from our high school, and the messages that came out of that placement were directly opposite to the kinds of messages the Attorney General was coming to our community to promulgate, and that our schools, churches, and police, and families are trying to promulgate with respect to reasonable use of alcohol.

The bill that I submitted to increase the distance that agency liquor stores could be placed from 300 feet to 750 feet, was defeated in Legal and Veterans Affairs, but the study came out as a result of the questions that were raised by the adequacy of our present laws, which would allow the placement of a liquor store so close to a high school, and contravening the messages that we are all trying to give to our young people about more moderate use of alcohol. So, I ask you not to confuse what you might be doing at home, which we all should be doing, or what we might be doing through the schools, or churches, or synagogues, but to look at what it is we do.

This study only looks at what we do as a state to put in reasonable regulations, and it may come back with our regulations are reasonable, no change required, or it may come back with some kinds of changes. It only asks for a study, the Department says it can do it without any increase in staff. We already have rules on the books, the question is are they reasonable? I say that they are not reasonable, so I think I obviously have a biased—they are not reasonable when a state liquor store, agency liquor store, can be placed right across the street from a high school that is trying to combat the kids of underage drinking that we have in the state, hence, I think the study is needed.

I hope some changes are proposed and if they are, we will have a chance through committee to come back and deal with them. Please do not stand in the way of a study that will review the rules that we already have and make sure that they are adequate. If you do not think we have a problem with the abuse of alcohol among underage people, refer to the studies that the good Representative from Freeport has, they are online. The National Institute of Health has a major study it calls A Call to

Action to do something about this. This bill only looks at what we as a state might be able to do better, to prevent the kinds of abuse we know lead to adult alcoholism at a higher rate than if they did not take place, and cost all of us money to treat the results because every time that a younger person starts to abuse alcohol, we know that there is a higher incidence of adult alcoholism, which costs us money, and it is a health problem and risk for them and their families and for us as a society. Please let us make this study. I ask you to support it. Thank you, Mr. Speaker.

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 would like to say that I certainly agree with my good friend, the Representative from Bangor, Representative Blanchette. She gave some very good arguments for our side, here. I ask that you follow my light and vote against this study. We have studied, studied, studied; now it is time for action. If there is not already a request for a roll call, I would like to do so.

Representative NASS of Acton **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-305) to Committee Amendment "A" (H-289)**.

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 Belfast, Representative Giles.

Representative **GILES**: Mr. Speaker, may I pose a question through the Chair to any member of the Committee?

The SPEAKER: The Representative may pose her question.

Representative **GILES**: Thank you, Mr. Speaker. My question is this: I have the electronic version of the Amendment in front of me and it refers to schools, but it does not define schools. I wanted to know does that include just K-12, or does it also include, it says private and public, does it also include public universities, private colleges, community colleges, etcetera?

The SPEAKER: The Representative from Belfast, Representative Giles has posed a question through the Chair to any member of the Committee who may care to respond. The Chair recognizes the Representative from Standish, Representative Moore.

Representative **MOORE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Yes, the Amendment that you are looking at does refer to any education, in the discussions we have it was inferred that it applied to any education institution. As it pertains to this bill, I think it is important to remember that during Committee debate and discussions and so forth, this year and last year, it was clear that the basis for this legislation or this proposal was largely a local dispute in the town of Boothbay, I believe it is. In essence, it was that a long-standing agency store did not lose its license, but the license went to a new entity in the town and it created angst in some quarters. This appeared to be another way of making the change impossible, by creating the idea that the new store was near a school, therefore it was bad, so all of the subsequent wrangling about it focused upon that. The origin of it was not that issue at all. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-305) to Committee Amendment "A" (H-289). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 84**

YEA - Adams, Barstow, Beaudoin, Berry, Blanchard, Bliss, Boland, Brautigam, Bryant, Burns, Cain, Canavan, Carter, Clark, Cleary, Connor, Conover, Craven, Crockett, Dill, Driscoll,

Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Fischer, Flood, Grose, Hanley S, Harlow, Haskell, Hill, Hinck, Hogan, Jackson, Lundeon, MacDonald, Makas, Mazurek, Miller, Mills, Miramant, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Piotti, Pratt, Priest, Rand, Rines, Samson, Schatz, Silsby, Sirois, Smith N, Theriault, Treat, Trinward, Tuttle, Valentino, Wagner, Walcott, Watson, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Beaulieu, Blanchette, Browne W, Campbell, Casavant, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Edgecomb, Finch, Finley, Fisher, Fitts, Fletcher, Giles, Gould, Greeley, Hamper, Hotham, Jacobsen, Joy, Kaenrath, Knight, Lewin, Marean, McDonough, McFadden, McKane, McLeod, Millett, Moore, Muse, Nass, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Saviello, Strang Burgess, Sutherland, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Vaughan, Walker, Weaver, Woodbury.

ABSENT - Babbidge, Beaudette, Berube, Cressey, Duprey, Emery, Gerzofsky, Gifford, Hayes, Koffman, Lansley, Marley, Norton, Pineau, Richardson E, Savage, Simpson.

Yes, 74; No, 59; Absent, 17; Vacant, 1; Excused, 0.

74 having voted in the affirmative and 59 voted in the negative, 1 vacancy with 17 being absent, and accordingly **House Amendment "A" (H-305) to Committee Amendment "A" (H-289) was ADOPTED.**

**Committee Amendment "A" (H-289) as Amended by House Amendment "A" (H-305) thereto was ADOPTED.** The Bill was assigned for **SECOND READING** Tuesday, May 29, 2007.

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HOUSE DIVIDED REPORT - Majority (10) **Ought Not to Pass** - Minority (2) **Ought to Pass** - Committee on **LABOR** on Bill "An Act Regarding Occupational Safety and Health Training for Workers on State-funded Construction Projects"

(H.P. 458) (L.D. 591)

TABLED - May 23, 2007 (Till Later Today) by Representative TUTTLE of Sanford.

PENDING - Motion of Representative CLARK of Millinocket to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report. (Roll Call Ordered)

On motion of Representative TUTTLE of Sanford, the Bill and all accompanying papers were **COMMITTED** to the Committee on **LABOR** and sent for concurrence.

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**SENATE PAPERS**

The following Joint Order: (S.P. 716)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, May 29, 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.

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**CONSENT CALENDAR**

**First Day**

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

(S.P. 642) (L.D. 1806) Bill "An Act To Amend the Laws Relating to Corporations, Limited Partnerships, Limited Liability Companies and Limited Liability Partnerships" (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass**

(S.P. 678) (L.D. 1865) Bill "An Act To Amend the Long-term Care Insurance Law" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass**

(S.P. 396) (L.D. 1208) Bill "An Act To Create Uniformity among Certain Self-insureds" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-130)**

(S.P. 516) (L.D. 1489) Bill "An Act To Enhance Fairness in Arbitration" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-131)**

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

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## REPORTS OF COMMITTEE

### Divided Report

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act Relative to Motor Vehicles and Floats Operated in Parades"

(S.P. 452) (L.D. 1304)

Signed:

Senators:

DAMON of Hancock  
DIAMOND of Cumberland  
SAVAGE of Knox

Representatives:

BROWNE of Vassalboro  
FISHER of Brewer  
MAZUREK of Rockland  
HOGAN of Old Orchard Beach  
THOMAS of Ripley  
CEBRA of Naples  
ROSEN of Bucksport  
THERIAULT of Madawaska  
PEOPLES of Westbrook

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-133)** on same Bill.

Signed:

Representative:

MARLEY of Portland

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

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

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The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Bliss who wishes to address the House on the record.

Representative **BLISS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Mr. Speaker, this weekend we recognized the 100th anniversary of the birth of Rachel Carson, who was born May 27, 1907.

From the mid-1940's she summered in Maine, and in 1952 built a summer cottage in Maine. She considered herself "a

Mainer by love, if not by birth." Through the years, she conducted a large percentage of her research in Maine.

During World War II, Carson worked for the U.S. Fish and Wildlife Service, promoting fish as an alternative to both meat and cheese, which were in short supply during the war. Between 1943 and 1945, she wrote pamphlets describing over 70 fish and shellfish products. During her 15 years working there, she rose in the ranks until she was the Chief Editor of all publications for the U.S. Fish and Wildlife Service.

After the war, she quit so that she could write books full-time. Her fourth book, *Silent Spring*, written in 1962, warned the public of the dangers of misuse of pesticides such as DDT. The book influenced President Kennedy to the extent that he called for testing of the chemicals mentioned in the book. Carson has been called "the mother of the modern environmental movement."

As *Esquire* magazine wrote, "The book that her efforts resulted in was about chemical spraying and what it did to birds and other creatures. But that does not begin to describe its scope or account for its impact. One might just as well say that Darwin wrote about turtles and the Pacific islands when they were found."

Carson died in 1964 of breast cancer. The Rachel Carson National Wildlife Refuge in Wells, Maine—a 4,600 acre refuge that stretches from Kittery to Cape Elizabeth—was dedicated in June 1964 in her memory.

Mr. Speaker, I ask you and my colleagues to spend a little bit of time this weekend, remembering the environmental movement and that mother of that movement, Rachel Carson. Thank you, Mr. Speaker.

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

Representative **WHEELER**: Mr. Speaker, on the record, if I was present I would have voted yea on LD 375.

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

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On motion of Representative EATON of Sullivan, the House adjourned at 12:30 p.m., until 9:00 a.m., Tuesday, May 29, 2007 pursuant to the Joint Order (S.P. 716) and in honor and lasting tribute to all Mainers who have died in service to our country and the Honorable Verdi Tripp, of Topsham.