

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
47th Legislative Day
Wednesday, May 30, 2007

The Speaker resumed the Chair.

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

Prayer by Reverend Doctor Richard B. Knight, First Parish Church, York.

National Anthem by Loranger Middle School Jazz Band, Old Orchard Beach.

Pledge of Allegiance.

Doctor of the day, Tamas Peredy, M.D., Freeport.

The Journal of yesterday was read and approved.

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act To Equalize MaineCare Reimbursements to Hospitals"

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

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-162) in the House on May 3, 2007.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-162) AND SENATE AMENDMENT "A" (S-136)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Establish a Labor Center within the University of Maine System"

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

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-142) in the House on May 16, 2007.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-142) AND SENATE AMENDMENT "A" (S-138)** in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (H.C. 316)

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

May 24, 2007

Hon. Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to my authority under Title 5, §2003, I am pleased to appoint Daniel Coker of Bowdoinham to the Maine Geographic Library Board as a representative of a statewide association representing environmental issues.

If you have any questions regarding this appointment, please feel free to contact me.

Sincerely,

S/Glenn Cummings

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 317)

STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON TAXATION

May 29, 2007

Honorable Beth Edmonds, President of the Senate

Honorable Glenn Cummings, Speaker of the House

123rd Maine Legislature

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

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

L.D. 1478 An Act To Reduce County Tax on Certain Municipalities

L.D. 1479 An Act To Clarify Responsibility for the Collection of Rental Taxes

L.D. 1494 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reform Property Taxes by Limiting Increases

L.D. 1557 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Cap the Property Tax on the Primary Residence of a Person 65 Years of Age or Older

L.D. 1588 An Act To Enact the 2007 Tax Reform and Tax Relief Act

L.D. 1601 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Create a Longtime Resident Tax Cap Program

L.D. 1602 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce Homestead Property Taxes

L.D. 1610 An Act To Preserve Manufacturing in Maine

L.D. 1613 An Act To Reduce Property Taxes through a Municipal Tax Deferral Program

L.D. 1649 An Act To Establish a Local Option Real Estate Transfer Tax for Homestead Tax Relief

L.D. 1652 An Act To Support County Corrections and Public Education

L.D. 1665 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Limit the Rate of Change in the Property Tax Liability of Elderly Maine Residents

L.D. 1671 An Act To Limit Homestead Property Taxes to 5% of Income

L.D. 1712 An Act To Amend the Amount of the Child Care Tax Credit

L.D. 1815 An Act To Create Jobs by Expanding Educational Opportunity for Maine Residents

L.D. 1905 An Act To Compute the Automobile Excise Tax Based on the Actual Purchase Price

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

Sincerely,

S/Sen. Joseph C. Perry

Senate Chair

S/Rep. John F. Piotti

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 318)

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

May 29, 2007

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

Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

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

- L.D. 948 An Act To Provide Relief to Maine Residents from Postsecondary Tuition Costs
L.D. 1002 An Act To Improve Access to and Awareness of the Circuitbreaker Program
L.D. 1010 An Act To Ensure That Military Services Members Receive Deferment of Their Property Tax Obligations
L.D. 1062 An Act To Provide Tax-exempt Status to Service Dog Trainers
L.D. 1067 An Act To Require the Payment of Property Taxes before a Refund May Be Issued under the Circuitbreaker Program
L.D. 1131 An Act To Establish a Sales Tax Rebate for Certain Vehicles
L.D. 1145 An Act To Impose a Real Estate Transfer Tax Based on the Value of the Property
L.D. 1189 An Act To Expand the Maine Residents Property Tax Program
L.D. 1193 An Act Regarding the Taxation of Income Derived from Out-of-state Trusts
L.D. 1211 An Act To Decrease the Property Tax Rate
L.D. 1243 An Act To Allow Local Administration of the Maine Residents Property Tax Program BY REQUEST
L.D. 1307 An Act To Reduce Duplication of Paperwork for Fuel Distributors
L.D. 1356 An Act To Provide a Tax Credit for Revitalization of Historic Mill Facilities
L.D. 1376 An Act To Preserve Farmland and Timberland
L.D. 1379 An Act To Create an Income Tax Stabilization Program
L.D. 1380 An Act To Provide Income Tax Relief to Working and Middle-class Families
L.D. 1434 An Act To Lower Maine Income Tax Rates

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

Sincerely,

S/Sen. Joseph C. Perry

Senate Chair

S/Rep. John F. Piotti

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 319)

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

May 29, 2007

Honorable Beth Edmonds, President of the Senate
Honorable Glenn Cummings, Speaker of the House

123rd Maine Legislature

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

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

- L.D. 570 An Act To Authorize a Local Option Sales Tax To Reduce Property Taxes
L.D. 582 An Act To Create Fairness in Maine's Property Taxes
L.D. 623 An Act To Change the Standard State Tax Deduction for Married People Filing Jointly to \$10,000
L.D. 624 An Act To Increase the Maine Resident Homestead Property Tax Exemption Amount to \$25,000
L.D. 668 An Act To Reallocate Revenues from the Real Estate Transfer Tax (EMERGENCY)
L.D. 690 An Act Regarding the Sales Tax
L.D. 693 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Authorize the Legislature To Allow Municipalities To Exempt from Property Tax a Portion of the Value of Homesteads
L.D. 735 An Act To Provide an Income Tax Exemption for Active Duty Military Pay and Disability Military Pay
L.D. 761 An Act To Enable Municipalities To Establish Municipal Land Banks Funded by Local Option Real Estate Transfer Taxes
L.D. 762 An Act To Enhance a Community's Capacity To Support Affordable Housing
L.D. 786 An Act To Establish the Maine Land Bank and Community Preservation Program
L.D. 787 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Assessment of Lands Used for Long-term Ownership
L.D. 802 An Act To Ensure the Income Tax for Pensions Is Applied Fairly by Eliminating Reductions of Social Security and Railroad Benefits
L.D. 811 An Act To Exempt Dietary Supplements from the Sales Tax
L.D. 850 An Act To Reduce Taxes
L.D. 877 An Act Regarding the Homestead Exemption as It Applies to Certain Housing Cooperatives
L.D. 881 An Act To Create a Tax Break for Families That Make Less Than \$25,000 Annually

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

Sincerely,

S/Sen. Joseph C. Perry

Senate Chair

S/Rep. John F. Piotti

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 320)

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

May 29, 2007

Honorable Beth Edmonds, President of the Senate

Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
State House
Augusta, Maine 04333

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

- L.D. 26 An Act To Fund Transportation Projects
- L.D. 53 An Act To Provide a Tax Credit for College Education Costs When the Person Creates Jobs following Graduation
- L.D. 80 An Act To Make Changes to the Maine Residents Property Tax Program
- L.D. 82 Resolve, To Create a Study Commission To Evaluate the County Tax Structure
- L.D. 131 An Act To Provide Tax Relief to Working Families
- L.D. 132 An Act To Reform the Maine Tax Code
- L.D. 157 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Lower the Income Tax
- L.D. 158 An Act To Allow a Local Option Sales Tax
- L.D. 174 An Act To Increase the County Share of the Real Estate Transfer Tax
- L.D. 179 An Act To Make Changes to the Maine Residents Property Tax Program
- L.D. 206 An Act To Provide an Inflation Adjustment to the Income Tax Exemption for Private, Public and Military Pensions
- L.D. 207 An Act To Reduce the Meals and Lodging Tax
- L.D. 263 An Act To Reduce the Property Tax Burden
- L.D. 288 An Act To Increase the State Share of the Homestead Exemption to 70%
- L.D. 298 An Act To Assist Higher Education Debt Reduction
- L.D. 368 An Act To Encourage Employers To Defray the Cost of College for the Children of Their Employees
- L.D. 394 An Act To Provide a Tax Benefit to Businesses That Invest in Quality Child Care
- L.D. 422 An Act To Increase the State Income Tax Exemption for Retired Employees in the Maine State Retirement System and Other Pension Systems to the Same Level as That of Retirees under the Social Security System
- L.D. 562 An Act To Adopt a Flat Corporate Income Tax
- L.D. 566 An Act To Increase the Property Tax Exemption for Certain Veterans and Surviving Spouses

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

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

READ and ORDERED PLACED ON FILE.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Increase the Number of Androscoggin County Commissioners"

(H.P. 1349) (L.D. 1916)

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

Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

Sent for concurrence.

Bill "An Act To Adjust the State Valuation of Boothbay Harbor"

(H.P. 1350) (L.D. 1917)

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

Committee on **TAXATION** suggested and ordered printed.

REFERRED to the Committee on **TAXATION** and ordered printed.

Sent for concurrence.

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

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

George Shabo, of Old Orchard Beach, on his nomination as Maine Teacher of the Year. Mr. Shabo is the band director at Loranger Middle School in Old Orchard Beach, and he also coaches middle school baseball and has organized a floor hockey league. We send Mr. Shabo our congratulations on his nomination for this prestigious award and we send him our best wishes;

(HLS 488)

Presented by Representative HOGAN of Old Orchard Beach.
Cosponsored by Senator HOBBS of York.

On **OBJECTION** of Representative HOGAN of Old Orchard Beach, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Old Orchard Beach, Representative Hogan.

Representative **HOGAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We have a very special man with us here today, and I am honored today to have him with us, because he is so committed to the youth of Old Orchard Beach. George Shabo has been a band instructor for many years in Old Orchard, and has won many, many state awards. Through his efforts in the music department, a sense of pride comes over my community whenever this band and the senior bands as well, show up for local functions.

Recently, George has personally been honored by being nominated as Teacher of the Year; he is currently one of eight finalists. George, we want to thank you for what you do, and want you to know that win or lose; you are certainly always number one in our hearts.

Also, Mr. Speaker, if I may, with us today also is Mr. James Boisvert, who is the principal of the Loranger Jr. High School, and I will be speaking on a later date on his sentiment. Thank you.

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

**REPORTS OF COMMITTEE
Divided Report**

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-139)** on Bill "An Act To Raise Benefits for Farmers under the Milk Subsidy Program and To Prevent Price Gouging in the Sale of Milk"

(S.P. 262) (L.D. 852)

Signed:

Senators:

SHERMAN of Aroostook
ROTUNDO of Androscoggin

Representatives:

PIEH of Bremen
MAREAN of Hollis
GIFFORD of Lincoln
CARTER of Bethel
PIOTTI of Unity
CRAY of Palmyra
PRATT of Eddington
EDGEComb of Caribou
LUNDEEN of Mars Hill
PINEAU of Jay

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-140)** on same Bill.

Signed:

Senator:

NUTTING of Androscoggin

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-139)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-139)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 31, 2007.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Increase Firearm Safety on College Campuses"

(S.P. 317) (L.D. 1000)

Signed:

Senators:

DIAMOND of Cumberland
McCORMICK of Kennebec
SHERMAN of Aroostook

Representatives:

GERZOFSKY of Brunswick
BLANCHETTE of Bangor

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

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

Signed:

Representative:

KAENRATH of South Portland

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

READ.

Representative GERZOFSKY of Brunswick moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative CRAVEN of Lewiston **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**: 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. 87

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

NAY - Cain, Craven, Dill, Gerzofsky, Kaenrath, Makas, Rand, Wagner, Walcott, Webster.

ABSENT - Ayotte, Barstow, Berube, Bliss, Canavan, Conover, Cressey, Dunn, Emery, Fischer, Haskell, Hogan, MacDonald, Marean, Marley, Moore, Percy, Richardson E, Valenton, Watson.

Yes, 120; No, 10; Absent, 20; Vacant, 1; Excused, 0.

120 having voted in the affirmative and 10 voted in the negative, 1 vacancy with 20 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Authorize Peaks Island, House Island, Pumpkin Knob and Catnip Island To Secede from the City of Portland"

(S.P. 637) (L.D. 1793)

Signed:

Senators:

SCHNEIDER of Penobscot
BRANNIGAN of Cumberland
BENOIT of Sagadahoc

Representatives:

BOLAND of Sanford
BEAUDETTE of Biddeford
HAYES of Buckfield
SCHATZ of Blue Hill

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

Signed:

Representatives:

WEAVER of York
SIROIS of Turner
CURTIS of Madison
JOY of Crystal
COTTA of China

Representative BARSTOW of Gorham - of the House - abstaining.

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

READ.

Representative BEAUDETTE of Biddeford 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 **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Bill "An Act To Fund Pesticide Education in the State" (H.P. 1252) (L.D. 1798)

Signed:

Senator:

SHERMAN of Aroostook

Representatives:

GIFFORD of Lincoln
MAREAN of Hollis
LUNDEEN of Mars Hill
CRAY of Palmyra
EDGECOMB of Caribou
PINEAU of Jay

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-324)** on same Bill.

Signed:

Senators:

NUTTING of Androscoggin
ROTUNDO of Androscoggin

Representatives:

PIEH of Bremen
CARTER of Bethel
PRATT of Eddington

PIOTTI of Unity

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-324)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 31, 2007.

Majority Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-330)** on Bill "An Act To Encourage Manufacturing by Expanding Pine Tree Development Zones" (H.P. 540) (L.D. 719)

Signed:

Senators:

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
RECTOR of Thomaston
BEAUDETTE of Biddeford
CLEARY of Houlton

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

Signed:

Senator:

BROMLEY of Cumberland

Representative:

SMITH of Monmouth

READ.

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

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act Regarding the Sharing of Educational Costs in School Administrative Units of Multiple Municipalities" (H.P. 1204) (L.D. 1721)

Signed:

Senators:

BOWMAN of York
MITCHELL of Kennebec
MILLS of Somerset

Representatives:

NORTON of Bangor
MAKAS of Lewiston
FARRINGTON of Gorham
SUTHERLAND of Chapman
MUSE of Fryeburg

STRANG BURGESS of Cumberland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-327)** on same Bill.

Signed:

Representatives:

FINCH of Fairfield
 HARLOW of Portland
 EDGECOMB of Caribou
 McFADDEN of Dennysville

READ.

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

On motion of Representative BEAUDETTE of Biddeford, **TABLED** pending the motion of Representative NORTON of Bangor to **ACCEPT** the Majority **Ought Not to Pass** Report and specially assigned for Thursday, May 31, 2007.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass** on Resolve, Regarding Legislative Review of Chapter 007: Implementation of the Essential Programs and Services Funding Model, a Major Substantive Rule of the Department of Education (EMERGENCY)

(H.P. 727) (L.D. 967)

Signed:

Senators:

BOWMAN of York
 MITCHELL of Kennebec

Representatives:

NORTON of Bangor
 MAKAS of Lewiston
 FARRINGTON of Gorham
 HARLOW of Portland
 SUTHERLAND of Chapman
 MUSE of Fryeburg

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-328)** on same Resolve.

Signed:

Senator:

MILLS of Somerset

Representatives:

FINCH of Fairfield
 EDGECOMB of Caribou
 McFADDEN of Dennysville
 STRANG BURGESS of Cumberland

READ.

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

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Finch.

Representative **FINCH**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Very briefly, you will notice on this that there are two reports. Both of them are Ought to Pass, and I would like to point out to the members, what the difference is in these two reports.

This deals with the issue of the dreaded, feared, local assessment system, which we have wrestled with in this state for the last few years. As it stands, funds for a local assessment system are what is known as targeted funds. Each district receives a certain dollar amount per student, and in order to receive these funds, the local district has to file a plan with the Commissioner as to how these funds would be spent.

The difference between the two reports is basically in two words. The Majority Report states that the plan to be submitted to the Commissioner must have the agreement of the local teacher's association; the Minority Ought to Pass requires consultation with the local teacher's association. Those two words and the difference between those two words have a tremendous impact. If the Majority Report is enacted, it would mean that before a local district were to submit its report for these funds to the Commissioner, or its plan, there would have to be negotiations with and approval of the local teacher's association. In other words, the local teacher's association would have a veto over a part of the district budget.

Preparing of district budget has always been the purview of the local school board. In some districts, these are then submitted to a counsel for approval, in some districts to a voter approval, but at no time in a district has any aspect of a budget had to have the approval of the district employees. This would require that the plan have the approval of the teachers, therefore spending of the money and what it is spent on would have to have the approval of the teachers.

I know the local assessment system has been controversial; frankly it has been a mess. Some people said from the beginning that it was a disaster, but in this regard, I believe it is true across the state that school boards and teachers were in agreement that it was a disaster. This does nothing to eliminate the local assessment system anymore than what has already been done. But I feel that by giving employees a veto over budget preparation, over policy, and how that is to be spent, we are setting a very, very dangerous precedent. I hope that this will result in a red light on this particular motion, and a green light on acceptance of the Minority Report, which I stress, is exactly the same thing except for those two words. Thank you.

The SPEAKER: The Chair recognizes the Representative from Dover-Foxcroft, Representative Annis.

Representative **ANNIS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The minute the employees start telling the employers what they want and what they should do, you have lost it all. As a former school board member and chair, this is a negotiable thing, and not something that the employees should demand of the employers. 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 agree there is a couple of words difference, but this bill certainly in no way says that teachers have to sign off on anything.

Again, this is for a very small—this is only the assessment piece that the rules ask that teachers be included in decisions around some of those local assessment pieces. There does not have to be a sign off, there does not have to be any such thing at all. It is that those step-by-step rules, particularly around local assessments, be developed and discussed with the local teachers. You need to check the language of both the Majority Report and the Minority Report, if you have a problem with that.

Again, it is because, partly because, of the mess we ran into with all of the local assessments, the double scoring and triple scoring, and all of those things. It does not do what the good

Representative from Fairfield says. Nobody has to sign off on anything.

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

Representative **CASAVANT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. First off before I even mention anything about this particular bill, let me state that I am a teacher. I hate learning results, absolutely hate learning results. The reason why I do is that because for so many times, it was top directed by people who had been out of education for so long that they did not really seem to know what was going on in the classrooms. At least this bill allows some teacher input. I mean we are the ones who are in the trenches; we are the ones that are engaged with the students on a day-to-day basis. To not have us involved in any type of approval or insight, I think is wrong.

In order to have good education, you have to have people who are engaged in teaching on a daily basis, not administrators per say, who are often outside the classroom and doing their thing, but people who are doing the nuts and bolts. Therefore, I think it is important if we are going to keep learning results—of course I would say probably I would get rid of them, but that is different—at least if we are going to do that, I think it is important to allow teacher input as much as possible. Thank you.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Edgcomb.

Representative **EDGEComb**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I could not explain this more clearly than what Representative Finch has explained on this issue. When the vote is taken, I request a roll call vote.

Representative **EDGEComb** of Caribou **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass** Report.

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

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

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

The SPEAKER: The Representative may pose her question.

Representative **PERRY**: Mr. Speaker, I have been trying to find the language that is the issue between the bill and the amendment, and looking at the amendment and the bill itself, I cannot find the language. I would really like to see exactly what the language is and what the difference is.

The SPEAKER: The Representative from Calais, Representative Perry has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Fairfield, Representative Finch.

Representative **FINCH**: Thank you, Mr. Speaker. We can go back and forth here all day about what the bill does and does not say, however, the actual bill does not include the language because it is in rulemaking. I would hope that before the members vote, they would have a chance to see what the actual language is in the rule. It is my contention that it includes the word "agreement," there are those who might differ, so may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **FINCH**: Mr. Speaker, is there some way that this could be tabled so that members could receive a copy of the actual rules, so they could actually see the language for themselves?

On motion of Representative **PINGREE** of North Haven, **TABLED** pending the motion of Representative **NORTON** of

Bangor to **ACCEPT** the Majority **Ought to Pass** Report and later today assigned. (Roll Call Ordered)

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "C" (H-334)** on Bill "An Act To Designate May 1st of Each Year as Cold War Victory Day" (EMERGENCY)

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

Signed:

Senators:

SCHNEIDER of Penobscot
BENOIT of Sagadahoc
BRANNIGAN of Cumberland

Representatives:

WEAVER of York
BEAUDETTE of Biddeford
SIROIS of Turner
CURTIS of Madison
JOY of Crystal
BARSTOW of Gorham
HAYES of Buckfield
COTTA of China

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

Signed:

Representatives:

BOLAND of Sanford
SCHATZ of Blue Hill

READ.

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

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-331)** on Bill "An Act To Improve Home and Commercial Building Energy Efficiency"

(H.P. 1164) (L.D. 1655)

Signed:

Senators:

BARTLETT of Cumberland
HOBBINS of York

Representatives:

BLANCHARD of Old Town
RINES of Wiscasset
BLISS of South Portland
ADAMS of Portland
BERRY of Bowdoinham
HINCK of Portland

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

Signed:

Senator:

SMITH of Piscataquis

Representatives:

THIBODEAU of Winterport

CURTIS of Madison
 FLETCHER of Winslow
 FITTS of Pittsfield

READ.

Representative RINES of Wiscasset 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.

Majority Report of the Committee on **NATURAL RESOURCES** and the Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-321)** on Bill "An Act To Establish the Regional Greenhouse Gas Initiative Act of 2007"

(H.P. 1290) (L.D. 1851)

Signed:

Senators:

MARTIN of Aroostook
 BARTLETT of Cumberland
 HOBBS of York

Representatives:

WAGNER of Lewiston
 MIRAMANT of Camden
 EBERLE of South Portland
 KOFFMAN of Bar Harbor
 DUCHESNE of Hudson
 BABBIDGE of Kennebunk
 BLANCHARD of Old Town
 RINES of Wiscasset
 BLISS of South Portland
 ADAMS of Portland
 BERRY of Bowdoinham
 HINCK of Portland

Minority Report of the same Committees reporting **Ought to Pass as Amended by Committee Amendment "B" (H-322)** on same Bill.

Signed:

Senator:

SMITH of Piscataquis

Representatives:

HAMPER of Oxford
 ANNIS of Dover-Foxcroft
 AYOTTE of Caswell
 McDONOUGH of Scarborough
 THIBODEAU of Winterport
 CURTIS of Madison
 FLETCHER of Winslow
 FITTS of Pittsfield

READ.

Representative KOFFMAN of Bar Harbor 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. 31) (L.D. 29) Bill "An Act To Amend the Laws Governing Welfare" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-351)**

(H.P. 68) (L.D. 70) Bill "An Act To Require Cigarettes Sold in Maine To Be Fire-safe" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-338)**

(H.P. 143) (L.D. 161) Bill "An Act To Prohibit the Use of Cellular Telephones by Minors while Driving" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-348)**

(H.P. 171) (L.D. 200) Bill "An Act To Provide Additional Background Information to the Probate Court" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-339)**

(H.P. 305) (L.D. 389) Bill "An Act To Allow the District Court To Enter Parental Rights and Responsibilities Orders in Child Protection Proceedings" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-340)**

(H.P. 306) (L.D. 390) Bill "An Act To Allow the District Court To Adjudicate Parentage in Child Protective Custody Cases" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-341)**

(H.P. 313) (L.D. 397) Bill "An Act To Limit Liability for the Performance of Community Service" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-342)**

(H.P. 508) (L.D. 659) Bill "An Act To Establish a Mediation Process for Landlord-tenant Disputes" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-343)**

(H.P. 655) (L.D. 866) Bill "An Act To Amend the Wrongful Death Laws" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-344)**

(H.P. 752) (L.D. 1034) Resolve, To Preserve the Saco River (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-357)**

(H.P. 829) (L.D. 1136) Bill "An Act To Amend the Commission on Governmental Ethics and Election Practices' Appointment Process" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-336)**

(H.P. 852) (L.D. 1159) Resolve, To Encourage Increased Use of Biodiesel Fuels in Maine Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-347)**

(H.P. 890) (L.D. 1262) Bill "An Act Regarding Property and Casualty Insurance Actuarial Opinion of Reserves" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-353)**

(H.P. 950) (L.D. 1341) Bill "An Act To Clarify Restrictions on Accepting Campaign Contributions Laws" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-337)**

(H.P. 1100) (L.D. 1575) Bill "An Act To Authorize the Maine Board of Pharmacy To Establish a Pharmacist Health Program" (EMERGENCY) Committee on **BUSINESS, RESEARCH AND**

ECONOMIC DEVELOPMENT reporting **Ought to Pass as Amended by Committee Amendment "A" (H-335)**

(H.P. 1237) (L.D. 1771) Bill "An Act To Authorize the Use of Parenting Coordinators in Maine" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-345)**

(H.P. 1265) (L.D. 1813) Bill "An Act To Facilitate Collection of Money Owed to the State" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-346)**

(H.P. 1301) (L.D. 1869) Bill "An Act To Protect Maine Homeowners from Predatory Lending" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-354)**

(H.P. 1306) (L.D. 1874) Resolve, Regarding Legislative Review of Portions of Chapter 270: Uniform Reporting Systems for Maine Quality Data Sets, a Major Substantive Rule of the Maine Health Data Organization (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-352)**

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. 99) (L.D. 317) Bill "An Act To Increase the Availability of Public Education Services from Child Development Services" (C. "A" S-142)

(S.P. 246) (L.D. 797) Bill "An Act To Conform State Law with Federal Law Regarding Bankruptcy Exemptions" (C. "A" S-141)

(S.P. 386) (L.D. 1198) Bill "An Act To Discontinue Over-the-counter Drug Coverage for MaineCare Patients" (C. "A" S-134)

(S.P. 407) (L.D. 1219) Bill "An Act To Control Flooding" (C. "A" S-135)

(S.P. 564) (L.D. 1620) Bill "An Act To Provide for the 2007 and 2008 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY) (C. "A" S-145)

(S.P. 570) (L.D. 1626) Bill "An Act To Ensure Cost-effective Training for Certified Nursing Assistants" (C. "A" S-146)

(S.P. 612) (L.D. 1745) Bill "An Act To Improve Continuity of Care within Maine's Community-based Mental Health Services" (C. "A" S-143)

(S.P. 629) (L.D. 1778) Bill "An Act To Amend Certain Laws Administered by the Department of Environmental Protection" (C. "A" S-144)

(H.P. 1221) (L.D. 1738) Bill "An Act To Amend the Laws Relating to the Maine State Retirement System"

(H.P. 1309) (L.D. 1877) Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions, a Major Substantive Rule of the Commission on Governmental Ethics and Election Practices (EMERGENCY)

(H.P. 730) (L.D. 970) Bill "An Act To Eliminate the Estate Recovery Delayed Claims Exemption" (C. "A" H-325)

(H.P. 791) (L.D. 1073) Resolve, To Study the Promotion, Expansion and Regulation of the Harness Racing Industry (EMERGENCY) (C. "A" H-317)

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** or **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence.

(H.P. 1129) (L.D. 1607) Bill "An Act To Establish a Fund to Provide American Flags at Veterans' Graves" (C. "A" H-319)

On motion of Representative RINES of Wiscasset, was **REMOVED** from the Second Day Consent Calendar.

The Unanimous Committee Report was **READ** and **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-319)** was **READ** by the Clerk.

Representative RINES of Wiscasset **PRESENTED** **House Amendment "A" (H-361)** to **Committee Amendment "A" (H-319)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Wiscasset, Representative Rines.

Representative **RINES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a technical amendment offered by the Bills in Second Reading, and it clears up a conflict in the language. Thank you.

House Amendment "A" (H-361) was **ADOPTED**.

Committee Amendment "A" (H-319) as **Amended by House Amendment "A" (H-361)** thereto was **ADOPTED**.

The Bill was assigned for **SECOND READING** Thursday, May 31, 2007.

BILLS IN THE SECOND READING
Senate as Amended

Bill "An Act To Clarify Land Planning in the Unorganized and Deorganized Townships of the State"

(S.P. 159) (L.D. 472)
(S. "B" S-137 to C. "A" S-116)

House as Amended

Bill "An Act To Require a Commercial Applicator's License To Use Pesticides in Food-handling Establishments"

(H.P. 650) (L.D. 861)
(C. "A" H-318)

Bill "An Act To Require Legislative Review of Rules Governing the Requirements for Local Support Systems Required as Part of the Certification Process of Educational Personnel"

(H.P. 1130) (L.D. 1608)
(C. "A" H-329)

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

ENACTORS
Emergency Measure

An Act To Further Facilitate the Regionalization of Emergency Communications Dispatching Services

(S.P. 315) (L.D. 998)
(C. "A" S-124)

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 Concerning Licensure as a Master Well Driller or a Master Pump Installer

(S.P. 367) (L.D. 1115)
(C. "A" S-127)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 129 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Provide Certain Requirements for Rules Related to Rate Setting for Mental Retardation Services

(S.P. 370) (L.D. 1118)
(C. "A" S-126)

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

Acts

An Act To Make Lobster Trap Molesting a Civil Offense

(H.P. 18) (L.D. 16)
(C. "A" H-74)

An Act To Amend the Unemployment Laws

(S.P. 332) (L.D. 1015)
(C. "A" S-122)

An Act To Authorize the Use of Timber Harvesting Revenues for Land Management

(S.P. 652) (L.D. 1834)
(C. "A" S-123)

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, Regarding the Organization and Administration of Energy Policy Responsibilities within State Government

(S.P. 447) (L.D. 1284)
(C. "A" S-125)

Resolve, Regarding the Use of Restraints in Nursing Facilities

(S.P. 456) (L.D. 1308)
(C. "A" S-120)

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

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

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.

HOUSE DIVIDED REPORT - Majority (11) **Ought Not to Pass** - Minority (2) **Ought to Pass as Amended by Committee Amendment "A" (H-122)** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Create a Waiting Period for Firearms"

(H.P. 291) (L.D. 361)

TABLED - May 1, 2007 (Till Later Today) by Representative GERZOFISKY of Brunswick.

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

Subsequently, on motion of Representative GERZOFISKY of Brunswick, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** 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. 762) (L.D. 1044) Bill "An Act To Address Eating Disorders in Maine" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-359)**

(H.P. 1300) (L.D. 1868) Bill "An Act To Change the Evaluation Criteria for Those with Developmental Disabilities" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-358)**

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 Reports

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-349)** on Resolve, To Investigate Cellular Telephone Use and Driver Safety

(H.P. 443) (L.D. 576)

Signed:

Senators:

DAMON of Hancock
DIAMOND of Cumberland
SAVAGE of Knox

Representatives:

MARLEY of Portland
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 Not to Pass** on same Resolve.

Signed:

Representatives:

BROWNE of Vassalboro
FISHER of Brewer

READ.

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

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-349)** was **READ** by the Clerk and **ADOPTED**. The Resolve was assigned for **SECOND READING** Thursday, May 31, 2007.

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act To Amend the Laws Governing the Placement of an On-premises Sign"

(H.P. 771) (L.D. 1053)

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
THERIAULT of Madawaska

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-350)** on same Bill.

Signed:

Representatives:

BROWNE of Vassalboro
THOMAS of Ripley
CEBRA of Naples
ROSEN of Bucksport
PEOPLES of Westbrook

READ.

Representative MAZUREK of Rockland moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The **SPEAKER**: The Chair recognizes the Representative from Vassalboro, Representative Browne.

Representative **BROWNE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would differ with the motion on the floor. I think this law deals with placement of signs for businesses, and it says right now it has to be within 1,000 feet of a telephone. For many businesses that is not a good position, a good location, but the Minority Ought to Pass as Amended Report says we are going to move this so that it is in the center of the business area, it is going to be on contiguous land, it is going to comply with all of the standards for the highway and town ordinances.

First of all, I would ask for a roll call, and secondly, I would ask you to oppose this motion. Thank you.

Representative **BROWNE** of Vassalboro **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 Ripley, Representative Thomas.

Representative **THOMAS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. If you have something that you want to sell, we all know you are not going to

sell it if you do not let people know it is for sale. Signs are probably the most cost effective way for a business to let customers, potential customers know what they offer for sale, the business' service. The more business or the more items that a business is able to sell, the more people they are going to be able to employ, the more taxes they are going to pay, it is going to be good for all of us.

The placement for signs, letting customers know what you have for sale, is critical, it is important. We are only allowed so many signs in this state, and this bill does not do anything to increase the number of signs or increase the size of that sign. It only changes a regulation to make it a little bit more common sense that the sign must be within 1,000 feet of where the business is conducted, not 1,000 feet from the telephone. The telephone may have very little to do with where that business is conducted, and it would seem to me that we would want businesses to do as much as they can do, to employ as many people as they can. It is good for all of us, and so I would urge you to vote against this motion, and that we pass this bill so that businesses are allowed to advertise the goods and services they offer in a common sense way. Thank you.

On motion of Representative HOGAN of Old Orchard Beach, **TABLED** pending the motion of Representative MAZUREK of Rockland to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned. (Roll Call Ordered)

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

SENATE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (S-151)** - Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Authorize Peaks Island, House Island, Pumpkin Knob and Catnip Island To Secede from the City of Portland"

(S.P. 637) (L.D. 1793)

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

Subsequently, 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:

HOUSE DIVIDED REPORT - Majority (11) **Ought to Pass as Amended by Committee Amendment "A" (H-330)** - Minority (2) **Ought Not to Pass** - Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Encourage Manufacturing by Expanding Pine Tree Development Zones"

(H.P. 540) (L.D. 719)

Which was **TABLED** by Representative SMITH of Monmouth pending **ACCEPTANCE** of either Report.

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

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

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

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

ROLL CALL NO. 88

YEA - Adams, Annis, Austin, Babbidge, Beaudette, Beaulieu, Blanchard, Brautigam, Browne W, Bryant, Burns, Canavan, Carter, Casavant, Cebra, Chase, Clark, Cleary, Connor, Conover, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Driscoll, Duchesne, Dunn, Duprey, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Fischer, Fisher, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Grose, Hamper, Hanley S, Harlow, Hayes, Hill, Hogan, Hotham, Jackson, Jacobsen, Joy, Kaenrath, Knight, Koffman, Lansley, Lewin, Lundeen, MacDonald, Makas, Marley, Mazurek, McDonough, McFadden, McKane, McLeod, Miller, Millett, Mills, Miramant, Muse, Nass, Patrick, Pendleton, Peoples, Perry, Pilon, Pingree, Pinkham, Piotti, Plummer, Prescott, Priest, Rector, Richardson D, Richardson W, Robinson, Rosen, Samson, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Strang Burgess, Sutherland, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Walcott, Walker, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Beaudoin, Berry, Blanchette, Boland, Cain, Dill, Finch, Gerzofsky, Hinck, Percy, Pieh, Pratt, Rand, Rines, Smith N, Theriault.

ABSENT - Ayotte, Barstow, Berube, Bliss, Campbell, Cressey, Emery, Finley, Haskell, Marean, Moore, Norton, Pineau, Richardson E, Watson.

Yes, 119; No, 16; Absent, 15; Vacant, 1; Excused, 0.

119 having voted in the affirmative and 16 voted in the negative, 1 vacancy with 15 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-330)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 31, 2007.

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

HOUSE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-350)** - Committee on **TRANSPORTATION** on Bill "An Act To Amend the Laws Governing the Placement of an On-premises Sign"

(H.P. 771) (L.D. 1053)

Which was **TABLED** by Representative HOGAN of Old Orchard Beach pending the motion of Representative MAZUREK of Rockland to **ACCEPT** the Majority **Ought Not to Pass** Report. (Roll Call Ordered)

The **SPEAKER**: The Chair recognizes the Representative from Portland, Representative Marley.

Representative **MARLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just a little background on this: This is my seventh year in the Legislature, and I think that every session we have had a bill on this. Unfortunately, while this is touted as a pro business bill, in past years—this year the only business that actually came and testified on behalf of this bill was in fact a company that sold signs, ironically enough—but in past years when people have come in, they have talked about how it actually would impact and negatively impact the State of Maine, the concerns around the billboard law in the State of Maine, and how Maine has that unique feel and that unique look to it. At that point, it really draws people to the state, either to live or to work here, or to spend their money here as they did this past weekend, over the Memorial Day weekend.

This law expands that and personally I believe the majority of the Committee that opposed this legislation had the same concerns, that it would be undoing something that is unique to Maine, that is unique to our economy, and there are other ways to address this. We talked about trying to, particularly something for small businesses, because I think those were the ones that we all were trying to help. In this case, what it really creates would be an unfair advantage for those larger businesses that can afford to buy land that abuts the highways, and put up these large signs. That is only going to take away, in my mind and I believe in others, that ability for people to come here and want to get that Maine experience, so I hope you will support the Ought Not to Pass motion.

The **SPEAKER**: A roll call having been previously 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. 89

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

NAY - Annis, Austin, Beaulieu, Browne W, Campbell, Cebra, Chase, Connor, Cotta, Cray, Crosthwaite, Curtis, Duprey, Edgecomb, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Hamper, Hanley S, Hayes, Hotham, Jacobsen, Joy, Knight, Lansley, Lewin, McFadden, McKane, McLeod, Millett, Muse, Nass, Peoples, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Saviello, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Valentino, Vaughan, Walker, Weaver.

ABSENT - Ayotte, Barstow, Berube, Bliss, Cressey, Emery, Haskell, Marean, Moore, Norton, Pineau, Richardson E, Watson.

Yes, 81; No, 56; Absent, 13; Vacant, 1; Excused, 0.

81 having voted in the affirmative and 56 voted in the negative, 1 vacancy with 13 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 45) (L.D. 137) Bill "An Act To Enact the Recommendations of the Task Force To Study Cervical Cancer Prevention, Detection and Education" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-158)**

(S.P. 235) (L.D. 768) Bill "An Act To Ensure That Pine Tree Development Zone Benefits Are Not Extended to Businesses That Compete with Existing Maine Businesses" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-154)**

(S.P. 510) (L.D. 1462) Bill "An Act To Clarify the Department of Audit's Municipal Internal Control Observation Program"

Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-156)**

(S.P. 511) (L.D. 1463) Bill "An Act To Prevent Elder Prescription Drug Abuse" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-159)**

(S.P. 542) (L.D. 1519) Bill "An Act To Amend the Staffing and Reporting Requirements for the Citizen Trade Policy Commission" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-155)**

(S.P. 578) (L.D. 1673) Bill "An Act To Change the Registration Fees for Home-based Manufacturers of Pet Foods" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-149)**

(S.P. 656) (L.D. 1840) Bill "An Act To Define the Process for a Municipality To Secede from a County" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-148)**

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

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

On motion of Representative ADAMS of Portland, the House adjourned at 12:02 p.m., until 9:00 a.m., Thursday, May 31, 2007 in honor and lasting tribute to Charles Harold Merrill, of South Portland, Carl W. Sawyer, of Millinocket and Gerald Duffy, of Bangor.