

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
48th Legislative Day
Thursday, May 31, 2007

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

Prayer by The Reverend Theodore Kanellakis, Camden (retired).

National Anthem by Mitch Thomas, Durham.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

SENATE PAPERS
Non-Concurrent Matter

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

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

REFERRED to the Committee on **TAXATION** in the House on May 30, 2007.

Came from the Senate **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

COMMUNICATIONS

The Following Communication: (H.C. 321)

STATE OF MAINE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

May 25, 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 Criminal Justice and Public Safety has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 45 An Act To Place Lifetime Restraining Orders on Violent Sex Offenders and Predatory Sex Offenders
- L.D. 147 An Act To Require as a Condition of Probation for Sex Offenders the Approval of a Residence by a Probation Officer
- L.D. 191 An Act To Prevent Certain Sex Offenders from Having Contact with Persons less than 14 Years of Age
- L.D. 351 An Act To Allow Municipalities To Designate Safe Zones To Protect Children from Sex Offenders
- L.D. 815 An Act To Amend the Laws Governing the Establishment of Residency for Convicted Sex Offenders after Release from Prison
- L.D. 1229 An Act To Prohibit Sex Offenders from Areas around Schools

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

Sincerely,
S/Sen. Bill Diamond
Senate Chair
S/Rep. Stanley J. Gerzofsky

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 322)

STATE OF MAINE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

May 30, 2007

Honorable Beth Edmonds, President of the Senate
Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

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

- L.D. 408 An Act To Make the Prison Industry Program More Effective
- L.D. 1605 An Act To Protect School Athletic Contest Officials

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

Sincerely,

S/Sen. Bill Diamond

Senate Chair

S/Rep. Stanley J. Gerzofsky

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 323)

STATE OF MAINE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS

May 30, 2007

Honorable Beth Edmonds, President of the Senate
Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

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

- L.D. 1638 Resolve, To Limit the Department of Education's Rulemaking in the Area of Special Education to Matters Required To Align State Rules with Federal Law (EMERGENCY)
- L.D. 1766 An Act To Amend the Authorization Procedures for Certain Municipal and School Budgets

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

Sincerely,

S/Sen. Peter B. Bowman

Senate Chair

S/Rep. Jacqueline Norton

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 324)

STATE OF MAINE

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

May 30, 2007

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

Augusta, Maine 04333

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

L.D. 1820 An Act To Create a Program To Implement
Choice of Health Plans in the MaineCare
Program and Amend the MaineCare Program

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Joseph C. Brannigan
Senate Chair

S/Rep. Anne C. Perry
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 325)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

May 30, 2007

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

Augusta, Maine 04333

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

L.D. 116 An Act To Adjust Fees for Certain Resident
and Nonresident Licenses, Registrations and
Permits Issued by the Department of Inland
Fisheries and Wildlife

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Bruce Bryant
Senate Chair

S/Rep. Troy D. Jackson
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 326)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON JUDICIARY**

May 30, 2007

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

State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

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

L.D. 1415 An Act Regarding the Right of a Person To
Appeal from the Action of a State Agency

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Barry J. Hobbins
Senate Chair

S/Rep. Deborah Simpson
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 327)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON LABOR**

May 25, 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 Labor has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1272 An Act To Repeal Certain Unemployment
Benefit Disqualifications

L.D. 1604 An Act To End the Automatic Deduction of
Union Dues from the Paychecks of Nonunion
Members

L.D. 1653 An Act To Prevent Real Minimum Wages from
Falling

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

Sincerely,

S/Sen. Ethan Strimling
Senate Chair

S/Rep. John L. Tuttle, Jr.
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 328)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON NATURAL RESOURCES**

May 23, 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 Natural Resources has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1417 An Act To Assist in the Cleanup of Waste
Motor Oil Disposal Sites

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,
S/Sen. John L. Martin
Senate Chair
S/Rep. Theodore S. Koffman
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 329)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON NATURAL RESOURCES**

May 25, 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 Natural Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1685 Resolve, To Develop a Comprehensive Water Use Plan for Maine
- L.D. 1825 An Act To Amend the Groundwater Oil Clean-up Fund BY REQUEST

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

Sincerely,
S/Sen. John L. Martin
Senate Chair
S/Rep. Theodore S. Koffman
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 330)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

May 23, 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 State and Local Government has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 1705 Resolve, To Study the Enactment Procedures for Municipal Ordinances

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,
S/Sen. Elizabeth M. Schneider
Senate Chair
S/Rep. Christopher R. Barstow
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 331)

STATE OF MAINE

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

May 30, 2007

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

Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

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

- L.D. 1334 Resolve, To Establish a Task Force To Study Strategies To Promote Financial Literacy
- L.D. 1389 An Act To Provide for Prompt Resolution of Insurance Claims

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.

The Following Communication: (H.C. 332)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON BUSINESS, RESEARCH AND ECONOMIC
DEVELOPMENT**

May 25, 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 Business, Research and Economic Development has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 183 An Act To Protect Consumers in the Home Appraisal Process
- L.D. 428 An Act To Conserve Energy in Maine Households
- L.D. 575 An Act To Expand Jurisdictions of Municipal Housing Authorities
- L.D. 855 An Act To Require the Maine State Housing Authority To Perform a Comprehensive Resource and Needs Assessment for Housing for Special Needs Populations That Are Not Homeless
- L.D. 1802 An Act To Ensure Public Benefit from Investments in Taxpayer Financed Research
- L.D. 1872 An Act To Preserve Maine's Quality Places

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

Sincerely,
S/Sen. Lynn Bromley
Senate Chair

S/Rep. Nancy E. Smith
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 333)

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

May 30, 2007

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

Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

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

- L.D. 879 An Act To Authorize a Local Option Homestead Exemption BY REQUEST
- L.D. 945 An Act To Require the State's Share of Local Aid to Education To Be Used for Property Tax Relief
- L.D. 962 An Act To Reform and Lower Maine Taxes
- L.D. 1095 An Act To Enhance the Maine Residents Property Tax Program
- L.D. 1242 An Act To Increase Relief Provided under the Homestead Property Tax Exemption BY REQUEST
- L.D. 1444 An Act To Index the Veterans' Property Tax Exemptions to the Cost of Living
- L.D. 1457 An Act To Preserve Home Ownership in the State by Reducing the Property Tax Burden
- L.D. 1458 An Act To Reduce the Income Tax Burden on Maine Residents
- L.D. 1459 An Act Concerning Spending Caps
- L.D. 1481 An Act To Provide Tax Relief to Middle-income Residents through the Maine Residents Property Tax Program
- L.D. 1560 An Act To Rebalance Maine's Tax Code
- L.D. 1579 An Act To Increase Fairness in Municipal Spending Caps
- L.D. 1581 An Act To Promote Economic Recovery in Maine
- L.D. 1631 An Act To Cut Taxes for Working-income Mainers
- L.D. 1646 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide Property Tax Relief to the Elderly and Disabled
- L.D. 1670 An Act To Promote Tax Fairness
- L.D. 1731 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Tax Nonprimary Residences at a Higher Rate
- L.D. 1732 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Surtax on Property with a Value over \$400,000
- L.D. 1756 An Act To Make Real Estate Taxation Stable, Equitable and Predictable

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 Ensure Adequate Funding for the Oversight of Spent Nuclear Fuel Storage in Maine" (EMERGENCY)

(H.P. 1351) (L.D. 1918)

Sponsored by Representative BERRY of Bowdoinham.
Cosponsored by Senator BARTLETT of Cumberland and Representatives: BLISS of South Portland, FITTS of Pittsfield, FLETCHER of Winslow, RINES of Wiscasset, Senator: DOW of Lincoln.

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

Committee on **UTILITIES AND ENERGY** suggested and ordered printed.

REFERRED to the Committee on **UTILITIES AND ENERGY** and ordered printed.

Sent for concurrence.

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

ORDERS

On motion of Representative BERRY of Bowdoinham, the following Joint Resolution: (H.P. 1352) (Cosponsored by Senator GOOLEY of Franklin and Representatives: ADAMS of Portland, AYOTTE of Caswell, BABBIDGE of Kennebunk, BARSTOW of Gorham, BEAUDETTE of Biddeford, BEAUDOIN of Biddeford, BEAULIEU of Auburn, BLANCHARD of Old Town, BLANCHETTE of Bangor, BLISS of South Portland, BRAUTIGAM of Falmouth, BRYANT of Windham, BURNS of Berwick, CAIN of Orono, CANAVAN of Waterville, CARTER of Bethel, CASAVANT of Biddeford, CEBRA of Naples, CHASE of Wells, CLARK of Millinocket, CLEARY of Houlton, CONNOR of Kennebunk, CONOVER of Oakland, CRAVEN of Lewiston, CRAY of Palmyra, CRESSEY of Cornish, CROCKETT of Augusta, Speaker CUMMINGS of Portland, DILL of Cape Elizabeth, DRISCOLL of Westbrook, DUCHESNE of Hudson, DUNN of Bangor, EATON of Sullivan, EBERLE of South Portland, EDGECOMB of Caribou, EMERY of Cutler, FAIRCLOTH of Bangor, FARRINGTON of Gorham, FINCH of Fairfield, FISCHER of Presque Isle, FISHER of Brewer, FLETCHER of Winslow, GERZOFISKY of Brunswick, GILES of Belfast, GOULD of South Berwick, GROSE of Woolwich, HANLEY of Gardiner, HARLOW of Portland, HASKELL of Portland, HAYES of Buckfield, HILL of York, HINCK of Portland, HOGAN of Old Orchard Beach, HOLMAN of Fayette, HOTHAM of Dixfield, JACKSON of Allagash, KAENRATH of South Portland, KNIGHT of Livermore Falls, KOFFMAN of Bar Harbor, LANSLEY of Sabattus, LORING of the Penobscot Nation, LUNDEEN of Mars Hill, MacDONALD of Boothbay, MAKAS of Lewiston, MARLEY of Portland, MAZUREK of Rockland, McFADDEN of Dennysville, MILLER of Somerville, MILLETT of Waterford, MILLS of Farmington, MIRAMANT of Camden, MOORE of Standish, NORTON of Bangor, PATRICK of Rumford, PENDLETON of Scarborough, PEOPLES of Westbrook, PERCY of Phippsburg, PERRY of Calais, PIEH of Bremen, PILON of Saco, PINGREE of North Haven, PINKHAM of Lexington Township, PIOTTI of Unity, PRATT of Eddington, PRESCOTT of

Topsham, PRIEST of Brunswick, RAND of Portland, RECTOR of Thomaston, RICHARDSON of Warren, RINES of Wiscasset, ROBINSON of Raymond, SAMSON of Auburn, SAVAGE of Falmouth, SAVIELLO of Wilton, SCHATZ of Blue Hill, SILSBY of Augusta, SIMPSON of Auburn, SIROIS of Turner, SMITH of Monmouth, SOCTOMAH of the Passamaquoddy Tribe, STRANG BURGESS of Cumberland, SUTHERLAND of Chapman, TARDY of Newport, THERIAULT of Madawaska, TREAT of Farmingdale, TRINWARD of Waterville, TUTTLE of Sanford, VALENTINO of Saco, WAGNER of Lewiston, WALCOTT of Lewiston, WATSON of Bath, WEAVER of York, WEBSTER of Freeport, WEDDELL of Frankfort, WHEELER of Kittery, WOODBURY of Yarmouth, Senators: BARTLETT of Cumberland, BOWMAN of York, BRANNIGAN of Cumberland, BROMLEY of Cumberland, BRYANT of Oxford, COURTNEY of York, DAMON of Hancock, DIAMOND of Cumberland, DOW of Lincoln, President EDMONDS of Cumberland, HOBBS of York, MARRACHÉ of Kennebec, MARTIN of Aroostook, MITCHELL of Kennebec, NUTTING of Androscoggin, PERRY of Penobscot, RAYE of Washington, ROSEN of Hancock, ROTUNDO of Androscoggin, SCHNEIDER of Penobscot, SHERMAN of Aroostook, SNOWMELLO of Androscoggin, STRIMLING of Cumberland, SULLIVAN of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO ENACT THE SOCIAL SECURITY FAIRNESS ACT OF 2007

WE, your Memorialists, the Members of the One Hundred and Twenty-third Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the President and the Congress of the United States as follows:

WHEREAS, Social Security is a trust fund that is intended as a compact between generations, yet it has not always been treated in a manner similar to other trust funds; and

WHEREAS, Maine's educators, transportation workers, police, firefighters and other civil servants, as well as their spouses, have collectively contributed tens of billions of dollars to Social Security and should in good faith receive such benefits as have been projected to them annually in their personalized Social Security statements; and

WHEREAS, the federal "government pension offset provision" and the federal "windfall elimination provision," enacted, respectively, in 1977 and 1983, have effectively treated state government pensions as if they were a provenance of Social Security, which they are not, and have in this treatment appropriated hundreds of billions of dollars previously entrusted to Social Security by the civil servants of 15 states and by their spouses; and

WHEREAS, by unfairly taking these hundreds of billions of dollars from just 15 states, including Maine, these twin federal policies have adversely and disproportionately affected Maine's ability to attract and retain effective and qualified workers, as well as Maine's overall economy, its schools, its tax base and its taxpayers and other residents; and

WHEREAS, the State of Maine has worked hard, over generations, to attract, retain and provide for its state workers in their retirement and has scrupulously guarded and invested the funds entrusted to its retirement system, bringing those reserves to 100 times the value they had just 4 decades ago; and

WHEREAS, federal legislation has been introduced entitled the Social Security Fairness Act of 2007, proposing to repeal these unfair takings from Maine and from other states; and

WHEREAS, all Members of the Maine Congressional Delegation are cosponsors of this legislation, along with more

than 200 other members of Congress as of mid-February; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the United States Congress enact the Social Security Fairness Act of 2007; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States and each Member of the Maine Congressional Delegation.

READ.

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Berry.

Representative BERRY: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The Joint Resolution before us today has been cosponsored by the vast majority of this body, and I appreciate that many of you did indeed, as I mentioned earlier, cosponsor this twice. I will not insult your intelligence by reading it to you, yet again. You know what is at stake here. You have many constituents who are police, who are firefighters, who are teachers, who are state workers, transportation workers, civil servants of this state, who are deeply and disproportionately affected by the federal Social Security offsets enacted in 1977 and 1983.

Social Security was set up in the 1930's as a trust fund, but has not been treated as one. That is why we find ourselves here today defending, in effect, the income of Mainers, which they are entitled to. Nobody knows exactly how much is at stake, but we do know that Maine is currently being deprived of billions of dollars—billions with a "b"—that we are rightfully entitled to, that our workers are rightfully entitled to.

Former Treasurer of the State of Maine, Eben Elwell, has estimated that number as something in the vicinity of \$6 or \$7 billion that Maine would have received under the previous Social Security rules, and is no longer in line to receive. Six or seven billion dollars is a lot of money, if you compare it to our annual state budget. Any household that loses a year's income or two year's income would have a pretty hard time making ends meet.

Men and Women of the House, we owe it to ourselves to pass this Joint Resolution. I know you are with me on it. I want to make sure that all of Maine and that all of the United States knows what is at stake. I thank you for supporting this Joint Resolution today. I encourage you to attend a press conference that we will be having on this shortly. I ask that you remember these figures and remember these employees of Maine, who have worked so hard to contribute to our economy, and who are being treated unfairly, and therefore, our state is being treated unfairly. I thank you for your time, I thank you Mr. Speaker, and I will end my remarks there.

Subsequently, the Joint Resolution was **ADOPTED**.

Sent for concurrence.

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the memory of United States Air Force Lieutenant Colonel Paul Everett Getchell, of Portland, who has been long identified as Missing In Action from the Vietnam War and whose remains have been finally discovered. Lieutenant Colonel Getchell was the copilot of a B-57 Canberra bomber that faced hostile fire and crashed into a mountain in Laos on January 13, 1969. After six excavations of the crash site, the military's Joint POW/MIA Accounting Command was able to confirm the findings through DNA testing. He was given a full military funeral and burial at Arlington National Cemetery in Virginia. At long last, the loving family and many friends of Lieutenant Colonel Getchell were able to finally bury their beloved hero. We send our heartfelt condolences to his family and friends, and we join in their relief that he has finally come home after his ultimate sacrifice to his State and Nation;

(HLS 497)

Presented by Representative HARLOW of Portland. Cosponsored by Senator STRIMLING of Cumberland, Senator BRANNIGAN of Cumberland, Representative BRAUTIGAM of Falmouth, Representative MARLEY of Portland, Speaker CUMMINGS of Portland, Representative HASKELL of Portland, Representative HINCK of Portland, Representative ADAMS of Portland, Representative RAND of Portland.

On **OBJECTION** of Representative HARLOW of Portland, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **HARLOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Lieutenant Colonel Paul Getchell and I met 40 years ago, 50 years ago actually, and it was at a place called Camp Gregory in Gray, Maine. Paul Getchell, or as we called him "Getch", was the handy man, and he was one of the few people who had a drivers license, so he used to drive the truck up to the girls camp to get supplies and everything. Everybody was envious of Paul.

He was lost in Laos on January 13, 1969. It is my honor to be able to say "Welcome home, Paul. It is great to see you. I hope I can get to your funeral tomorrow, if possible." The children have no memories of Paul, but I do. Everybody respected Paul, everybody liked him, he was a hard worker, and a great guy.

My association with him in the future was when I was teaching; probably 10 years after he disappeared at Cheverus High School, there was a kid sitting in the front seat and his name was Getchell. I said, "Son, did you ever hear of Paul Getchell." He said, "Yes, he is my father. He has been missing in Vietnam for a long time." That was heartbreaking.

At Camp Gregory, Paul met the love of his life, his wife Teresa. Everybody could see the sparkle in his eye when he looked at her, and it was no surprise to us when he married her and he had his children. Unfortunately, his children never really got to know him the way a lot of other people did. I never heard anybody say a bad word about Paul Getchell.

He left two impressions on me: One, was that he was also a graduate of Cheverus High School, and one of the things that we take great pride in our kids at Cheverus and always have, is that they be people for others. Obviously, Paul was a person for others; he gave his life up for all of us.

He also left another impression on me: We were working one time in the water, moving a dock, and he was moving a lead pipe. He let go of the lead pipe, it fell and hit me in the head—that was the impression he left on me.

I would also like to say that his family would love to be here, but you can imagine the stress that they are under right now, and

how tired they are. They have been to Arlington and now they are back in Portland planning a funeral. Also, his family is not here but fortunately for us, General Libby has agreed to represent the family at this occasion. General Libby wore Paul Getchell's wristband forever, until he lost it when he moved a couple of years ago. General Libby was also a veteran of Vietnam, so he knows what Paul went through.

Thank you very much for your time, and I do have great memories of Paul Getchell. He lived in the shack by himself in the back of a camp, but everybody still get to know and like him. Thank you very much.

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-157)** on Bill "An Act To Establish the Town Academy Advisory Council"

(S.P. 601) (L.D. 1694)

Signed:

Senators:

BOWMAN of York
MITCHELL of Kennebec
MILLS of Somerset

Representatives:

HARLOW of Portland
SUTHERLAND of Chapman
McFADDEN of Dennysville
MUSE of Fryeburg
STRANG BURGESS of Cumberland

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

Signed:

Representatives:

NORTON of Bangor
FINCH of Fairfield
MAKAS of Lewiston
EDGECOMB of Caribou

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-157).**

READ.

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

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-150)** on Bill "An Act To Allow the Widening of a Portion of the Maine Turnpike"

(S.P. 103) (L.D. 320)

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
 CEBRA of Naples
 ROSEN of Bucksport
 PEOPLES of Westbrook
 MARLEY of Portland

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

Signed:

Representatives:

THERIAULT of Madawaska
 THOMAS of Ripley

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-150)**.

READ.

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

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. First of all, this project is going to require a toll increase, and tolls are high enough already. We are probably going to need to widen this highway at some point, my argument is not now. We have hundreds of bridges and hundreds of other projects that need to be done to make our highways safe. If we are going to take \$150 million out of the Maine economy, plus the interest because this is going to be borrowed money, we are going to take that kind of money out of the Maine economy; there are lots of projects that should come ahead of this one.

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. I appreciate the comments from the good Representative from Ripley. He is right: We do have a great need in our infrastructure, and balance in our transportation system. However, the numerous people that came and spoke on this were the Association of Contractors of Maine, the Maine Restaurant Association, the Portland International Jetport; all of these transportation, tourism, business industries were saying how this was important for the state.

Just to give you an idea, they would be expanding from Mile 44—I believe it is Exit 44 in Scarborough, up to Exit 53 in Falmouth. The idea is, hopefully, to address one issue, which is the congestion on I-295 in Portland, with a larger, wider capacity, to allow that traffic to move around Portland, through Portland, for those points north. So, that should help business.

One of the realities, which is what we face constantly in transportation, while the need is there, if we do not do it sooner and we wait until later, it is going to cost a tremendous amount of money. While I would like to see a more balanced transportation

system and I agree that there is a great need elsewhere, I have decided to support this, and hope others will support the Majority Ought to Pass Amendment.

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. 90

YEA - Adams, Austin, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Blanchard, Blanchette, Bliss, Boland, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Casavant, Cebra, Cleary, Conover, Craven, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Duprey, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finley, Fisher, Fitts, Flood, Gerzofsky, Hamper, Hanley S, Harlow, Hayes, Hill, Hinck, Hogan, Koffman, MacDonald, Makas, Marley, Mazurek, McDonough, Miller, Millett, Miramant, Moore, Muse, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Prescott, Priest, Rand, Rector, Richardson D, Rines, Robinson, Rosen, Samson, Savage, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Thibodeau, Trinward, Tuttle, Valentino, Vaughan, Wagner, Walcott, Walker, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Berry, Carter, Chase, Clark, Cotta, Finch, Fletcher, Gifford, Giles, Gould, Grose, Hotham, Jacobsen, Joy, Kaenrath, Knight, Lansley, Lewin, Lundeen, McFadden, McKane, McLeod, Mills, Richardson W, Saviello, Theriault, Thomas, Tibbetts, Treat, Weaver, Weddell.

ABSENT - Ayotte, Berube, Connor, Cressey, Dunn, Emery, Fischer, Greeley, Haskell, Jackson, Marean, Pratt, Richardson E, Watson.

Yes, 104; No, 32; Absent, 14; Vacant, 1; Excused, 0.

104 having voted in the affirmative and 32 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-150)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Friday, June 1, 2007.

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-153)** on Bill "An Act To Require Owners of Utility Facilities To Accommodate the Installation of Traffic Control Signals and To Permit the University of Maine System To Construct Lines on Public Rights-of-way" (EMERGENCY)

(S.P. 474) (L.D. 1360)

Signed:

Senators:

BARTLETT of Cumberland
 HOBBS of York
 SMITH of Piscataquis

Representatives:

THIBODEAU of Winterport
 BLANCHARD of Old Town
 CURTIS of Madison
 BLISS of South Portland
 FLETCHER of Winslow
 ADAMS of Portland
 FITTS of Pittsfield
 BERRY of Bowdoinham
 HINCK of Portland

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

Signed:
Representative:
RINES of Wiscasset

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-153)**.

READ.

On motion of Representative BLISS of South Portland, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-153)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Friday, June 1, 2007.

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-129)** on Bill "An Act To Create the Insurance Fraud Division within the Bureau of Insurance"

(S.P. 230) (L.D. 713)

Signed:
Senators:
SULLIVAN of York
SNOWE-MELLO of Androscoggin
BOWMAN of York

Representatives:
CROCKETT of Augusta
VAUGHAN of Durham
SAVAGE of Falmouth
CANAVAN of Waterville
McKANE of Newcastle

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

Signed:
Representatives:
BRAUTIGAM of Falmouth
RICHARDSON of Warren
TREAT of Farmingdale
PRIEST of Brunswick

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-129)**.

READ.

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

Nine Members of the Committee on **STATE AND LOCAL GOVERNMENT** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-355)** on Bill "An Act To Enact the Informed Growth Act"

(H.P. 1262) (L.D. 1810)

Signed:
Senators:
SCHNEIDER of Penobscot

BENOIT of Sagadahoc
BRANNIGAN of Cumberland

Representatives:
BARSTOW of Gorham
BOLAND of Sanford
SIROIS of Turner
SCHATZ of Blue Hill
BEAUDETTE of Biddeford
COTTA of China

Three Members of the same Committee report in Report "B" **Ought Not to Pass** on same Bill.

Signed:
Representatives:
WEAVER of York
JOY of Crystal
HAYES of Buckfield

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (H-356)** on same Bill.

Signed:
Representative:
CURTIS of Madison

READ.

Representative BARSTOW of Gorham, moved that the House **ACCEPT** Report "A" **Ought to Pass as Amended**.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** Report "A" **Ought to Pass as Amended** and specially assigned for Friday, June 1, 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. 740) (L.D. 980) Bill "An Act To Amend the Laws Governing the Burial or Cremation of Certain Persons" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-366)**

(H.P. 776) (L.D. 1058) Bill "An Act To Require the Reporting of Executive Branch Lobbying" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-367)**

(H.P. 804) (L.D. 1086) Bill "An Act To Clarify Worker Payment for Clothing and Equipment" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-371)**

(H.P. 814) (L.D. 1096) Bill "An Act To Make Circuitbreaker Program Benefits Proportional If a Resident Moves" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-373)**

(H.P. 881) (L.D. 1239) Resolve, To Establish a Working Group To Study the Effectiveness and Timeliness of Early Identification and Intervention for Children with Hearing Loss in Maine (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-365)**

(H.P. 887) (L.D. 1259) Bill "An Act To Use the Date of Injury To Calculate the Average Weekly Wage in Occupational Disease Cases" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-372)**

(H.P. 1068) (L.D. 1543) Bill "An Act To Clarify the Use of Tips in Payment of Service Employees" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-370)**

(H.P. 1083) (L.D. 1558) Bill "An Act To Improve the Process for Adjustment for Sudden and Severe Disruption of Valuation" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-360)**

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. 45) (L.D. 137) Bill "An Act To Enact the Recommendations of the Task Force To Study Cervical Cancer Prevention, Detection and Education" (C. "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" (C. "A" S-154)

(S.P. 510) (L.D. 1462) Bill "An Act To Clarify the Department of Audit's Municipal Internal Control Observation Program" (C. "A" S-156)

(S.P. 511) (L.D. 1463) Bill "An Act To Prevent Elder Prescription Drug Abuse" (C. "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" (C. "A" S-155)

(S.P. 578) (L.D. 1673) Bill "An Act To Change the Registration Fees for Home-based Manufacturers of Pet Foods" (C. "A" S-149)

(S.P. 656) (L.D. 1840) Bill "An Act To Define the Process for a Municipality To Secede from a County" (C. "A" S-148)

(H.P. 31) (L.D. 29) Bill "An Act To Amend the Laws Governing Welfare" (C. "A" H-351)

(H.P. 68) (L.D. 70) Bill "An Act To Require Cigarettes Sold in Maine To Be Fire-safe" (C. "A" H-338)

(H.P. 143) (L.D. 161) Bill "An Act To Prohibit the Use of Cellular Telephones by Minors while Driving" (C. "A" H-348)

(H.P. 171) (L.D. 200) Bill "An Act To Provide Additional Background Information to the Probate Court" (C. "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" (C. "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" (C. "A" H-341)

(H.P. 313) (L.D. 397) Bill "An Act To Limit Liability for the Performance of Community Service" (C. "A" H-342)

(H.P. 508) (L.D. 659) Bill "An Act To Establish a Mediation Process for Landlord-tenant Disputes" (C. "A" H-343)

(H.P. 655) (L.D. 866) Bill "An Act To Amend the Wrongful Death Laws" (C. "A" H-344)

(H.P. 752) (L.D. 1034) Resolve, To Preserve the Saco River (EMERGENCY) (C. "A" H-357)

(H.P. 762) (L.D. 1044) Bill "An Act To Address Eating Disorders in Maine" (C. "A" H-359)

(H.P. 829) (L.D. 1136) Bill "An Act To Amend the Commission on Governmental Ethics and Election Practices' Appointment Process" (C. "A" H-336)

(H.P. 852) (L.D. 1159) Resolve, To Encourage Increased Use of Biodiesel Fuels in Maine (C. "A" H-347)

(H.P. 890) (L.D. 1262) Bill "An Act Regarding Property and Casualty Insurance Actuarial Opinion of Reserves" (C. "A" H-353)

(H.P. 950) (L.D. 1341) Bill "An Act To Clarify Restrictions on Accepting Campaign Contributions Laws" (C. "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) (C. "A" H-335)

(H.P. 1237) (L.D. 1771) Bill "An Act To Authorize the Use of Parenting Coordinators in Maine" (C. "A" H-345)

(H.P. 1265) (L.D. 1813) Bill "An Act To Facilitate Collection of Money Owed to the State" (C. "A" H-346)

(H.P. 1300) (L.D. 1868) Bill "An Act To Change the Evaluation Criteria for Those with Developmental Disabilities" (C. "A" H-358)

(H.P. 1301) (L.D. 1869) Bill "An Act To Protect Maine Homeowners from Predatory Lending" (C. "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) (C. "A" H-352)

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
Senate as Amended

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)
(C. "A" S-139)

House as Amended

Resolve, To Investigate Cellular Telephone Use and Driver Safety

(H.P. 443) (L.D. 576)
(C. "A" H-349)

Bill "An Act To Establish a Fund to Provide American Flags at Veterans' Graves"

(H.P. 1129) (L.D. 1607)
(H. "A" H-361 to C. "A" H-319)

Bill "An Act To Fund Pesticide Education in the State"

(H.P. 1252) (L.D. 1798)
(C. "A" H-324)

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.

Bill "An Act To Encourage Manufacturing by Expanding Pine Tree Development Zones"

(H.P. 540) (L.D. 719)
(C. "A" H-330)

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

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

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

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

ENACTORS

Emergency Measure

An Act To Promote Efficiency in the Use of the Communications Equipment Fund

(H.P. 414) (L.D. 536)
(C. "A" H-294)

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 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Amend the Laws Relating to Corporations, Limited Partnerships, Limited Liability Companies and Limited Liability Partnerships

(S.P. 642) (L.D. 1806)

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. 126 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.

Acts

An Act Regarding the Long-term Contracting Authority of the Public Utilities Commission

(H.P. 224) (L.D. 268)
(C. "A" H-220)

An Act To Protect the All-terrain Vehicle Trail System

(H.P. 354) (L.D. 455)
(C. "A" H-291)

An Act To Promote Transportation Planning, Increase Efficiency and Reduce Sprawl

(H.P. 861) (L.D. 1180)
(C. "A" H-296)

An Act To Create Uniformity among Certain Self-insureds

(S.P. 396) (L.D. 1208)
(C. "A" S-130)

An Act To Enhance Availability of Emergency Telephone Services

(H.P. 975) (L.D. 1383)
(C. "A" H-282)

An Act To Enhance Fairness in Arbitration

(S.P. 516) (L.D. 1489)
(C. "A" S-131)

An Act To Amend the Long-term Care Insurance Law

(S.P. 678) (L.D. 1865)

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

Resolves

Resolve, To Achieve Cost Savings of 7% in State Government

(H.P. 434) (L.D. 556)
(C. "A" H-37)

Resolve, To Provide for an Independent Evaluation of the Procedures and Programs of the Department of Health and Human Services for Promoting Permanency and Safety for Children

(S.P. 484) (L.D. 1396)
(C. "A" S-119)

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 Amend Laws Pertaining to Entry into the Lobster Fishery

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

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

On motion of Representative PERCY of Phippsburg, was **SET ASIDE**.

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

An Act To Protect Children from Lead Exposure by Requiring Sufficient Notice of Renovations

(H.P. 433) (L.D. 555)
(H. "A" H-290 to C. "A" H-179)

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

On motion of Representative FAIRCLOTH of Bangor, was **SET ASIDE**.

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

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

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

ROLL CALL NO. 91

YEA - Adams, Annis, Austin, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Cebra, Chase, Clark, Conover, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Duprey, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Gould, Greeley, Grose, Hamper, Hanley S, Harlow, Hayes, Hinck, Hogan, Hotham, Jackson, Jacobsen, Kaenrath, Knight, Koffman, Lansley, Lewin, Lundeen, MacDonald, Makas, Marley, Mazurek, McDonough, McFadden, McLeod, Miller, Millett, Mills, Miramant, Moore, Muse, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pineau, Pingree, Pinkham, Piotti, Plummer, Prescott, Priest, Rand, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thomas, Tibbetts, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Walcott, Walker, Weaver, Webster, Weddell, Woodbury.

NAY - Cleary, Joy, McKane, Pilon.

ABSENT - Ayotte, Berube, Connor, Cressey, Dunn, Emery, Haskell, Hill, Marean, Nass, Pratt, Richardson E, Thibodeau, Watson, Wheeler, Mr. Speaker.

Yes, 130; No, 4; Absent, 16; Vacant, 1; Excused, 0.

130 having voted in the affirmative and 4 voted in the negative, 1 vacancy with 16 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Protect Pregnant Women and Children from Toxic Chemicals Released into the Home

(H.P. 1167) (L.D. 1658)

(C. "A" H-231)

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

On motion of Representative FAIRCLOTH of Bangor, was **SET ASIDE**.

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

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

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

ROLL CALL NO. 92

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

NAY - NONE.

ABSENT - Ayotte, Berry, Berube, Connor, Cressey, Dunn, Emery, Farrington, Gerzofsky, Haskell, Hill, Hogan, Marean, Marley, Nass, Pratt, Richardson E, Savage, Smith N, Watson, Wheeler.

Yes, 129; No, 0; Absent, 21; Vacant, 1; Excused, 0.

129 having voted in the affirmative and 0 voted in the negative, 1 vacancy with 21 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

UNFINISHED BUSINESS

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

Expression of Legislative Sentiment in Memory of Timothy C. Plumer, Hallowell

(HLS 468)

TABLED - May 23, 2007 (Till Later Today) by Representative BARSTOW of Gorham.

PENDING - **ADOPTION**.

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. When I first heard of this sentiment, it sort of took me by surprise. Mr. Plumer was not of the age where you would expect someone to pass, but as we know in our lives, we never know what the fragility of life and death.

I had served with Mr. Plumer when I was a member of the other body. As the Clerk had read, he was a Senate page and a Chamber Staff member. He was somebody with a great sense of humor, a great wit, always there for you when you needed his assistance. He will be greatly missed by all of us who knew him, I think people in Hallowell, people in the Augusta area. Rest in peace my friend.

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

HOUSE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (H-316)** - Minority (4) **Ought Not to Pass** - Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce the Size of the Legislature

(H.P. 1201) (L.D. 1718)

TABLED - May 29, 2007 (Till Later Today) by Representative BARSTOW of Gorham.

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

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

The RESOLUTION was **READ ONCE**. **Committee Amendment "A" (H-316)** was **READ** by the Clerk and **ADOPTED**. The RESOLUTION was assigned for **SECOND READING** Friday, June 1, 2007.

Bill "An Act To Amend the Family Medical Leave Laws"

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

(C. "A" S-121)

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-121)**.

TABLED - May 29, 2007 (Till Later Today) by Representative TUTTLE of Sanford.

PENDING - **ADOPTION OF HOUSE AMENDMENT "A" (H-332)**. Subsequently, Representative MARLEY of Portland **WITHDREW House Amendment "A" (H-332)**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-121)** in concurrence.

HOUSE DIVIDED REPORT - Majority (15) **Ought to Pass as Amended by Committee Amendment "A" (H-321)** - Minority (9) **Ought to Pass as Amended by Committee Amendment "B" (H-322)** - Committee on **NATURAL RESOURCES** and Committee on **UTILITIES AND ENERGY** on Bill "An Act To Establish the Regional Greenhouse Gas Initiative Act of 2007"

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

TABLED - May 30, 2007 (Till Later Today) by Representative KOFFMAN of Bar Harbor.

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

Representative JOY of Crystal **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 Winslow, Representative Fletcher.

Representative **FLETCHER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. You will notice that there are two Ought to Pass Reports: the Majority and the Minority. This is one of those cases where we have more in agreement than we decided not to agree on. I just wanted to explain why I am not in support of the Majority Report at this time.

I think we are in agreement with the principle that we need to reduce our fossil fuel dependency and avoid the associated consequences. That is good news; we are in agreement on that. We are also in agreement that the implementation of RGGI, with the carbon dioxide credits, will more than likely increase the price of electricity to Maine consumers. That has been estimated and we are not sure exactly what it will be, but it could be \$24 to \$60 million a year. We are also in agreement that Maine C02 emissions and fossil fuel usage may actually increase. We must remember that this is a regional approach, and fortunately Maine's fossil fuel generators are some of the most efficient when you look at the amount of electricity generated per kilowatt, hours, and the amount of C02 that is associated with that.

The way the RGGI system is designed, the most efficient generators will need to buy fewer credits, which will make them more cost effective, and they will be running when the more, less efficient, higher C02 emitting generators will actually have to buy more credits and their costs will be out of line and not as competitive. So, we should not be surprised as we implement RGGI that actually Maine C02 emissions will go up, but that is okay because it is a regional approach, and somewhere in New England, I hope one of the higher C02 emitting fossil fuel generators actually is running less.

As a matter of fact, in 2005, Maine's actual C02 emissions were about 3.4 million tons, versus our goal or limit of 5.9. So, we have already achieved it in Maine, but I just want to put out the possibility that as we implement RGGI, Maine C02 emissions could increase, and we should not be alarmed at that. I think we are also in agreement that the only way that we are going to mitigate the price increase that Maine consumers will feel, is to have such a highly effective energy efficiency program in place, that Maine consumers can utilize that to reduce their usage to offset the price increase. That is absolutely critical because the whole point around RGGI is that we will reduce, eliminate waste if you want to use that, reduce electrical usage that in a way as the price goes up, we can be offsetting it with lower usage so our bills do not go up—that is absolutely critical.

Trying to be brief without going into a lot of other discussions, I think this goal is so critical that we need a more aggressive implementation plan, one that will actually have things in place the middle of next year around any efficiency planning and the process, so that when RGGI is implemented in 2009, we will actually be hitting the ground running. Maine consumers will have access to these high-efficiency programs that can be implementing them, so as the price goes up, ideally we are ahead of the curve.

While I think we did a really good job understanding what RGGI is, what it is going to produce, and the value of it, I would suggest that the Majority Report may not be quite as aggressive as what I think this objective wants. With that regard, I would ask you to consider any options that may be brought forward, to try to make sure that Maine is leading the pack again, and that we are implementing with excellence. Thank you, Ladies and Gentlemen, and I appreciate your attention.

Representative JOY of Crystal **WITHDREW** his **REQUEST** for a roll call.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-321)** was **READ** by the Clerk.

Representative **BLISS** of South Portland **PRESENTED House Amendment "A" (H-380)** to **Committee Amendment "A" (H-321)**, which was **READ** by the Clerk.

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

Representative **BLISS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The good Representative from Winslow was absolutely right: The Majority Report and Minority Report on this bill are virtually identical. This is arguably one of the most important things that this Legislature and this state will do this decade, and it is more than exciting that we are doing it in combination with nine other states in New England, and three to five other states in the west coast.

I particularly want to acknowledge the work done by the Representative from Winslow and the Representative from Pittsfield, in tirelessly reminding those of us on the Majority Report that specific timelines must be met, that we cannot just pass this bill. We have to make sure that there is continuous feedback and continuous status reports. We hear you, and that is exactly what this amendment does. It is my belief that passing this amendment, moving the date forward, and adding some specific times to report back, will make the bill a stronger bill. I want to thank the Representative from Winslow and the Representative from Pittsfield, for pounding it into my head that that is exactly the right thing to do. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Winslow, Representative Fletcher.

Representative **FLETCHER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I was just so excited about the RGGI bill, I just had to get up and speak, I could not contain myself. I apologize for getting ourselves out of order, but I do want to commend the good Representative from South Portland, bringing the amendment forward, rectifying what a few of us feel that we need to have a little bit of a head start on it.

With that in mind, I am in full support of the Majority Report. I think that we are going to do some great things and if we do it right, we can look back in two or three years and say once again, Maine led the nation and we reduced our dependency on fossil fuel, and brought us back to a point where our environment—we have done what we can to help the environmental issue. Thank you very much, Ladies and Gentlemen, for your indulgence.

Representative JOY of Crystal **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-380)** to **Committee Amendment "A" (H-321)**.

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

Representative **SAVIELLO** of Wilton asked leave of the House to be excused from voting on L.D. 1851 pursuant to House Rule 401.12.

The Chair granted the request.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-380) to Committee Amendment "A" (H-321). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 93

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

NAY - Cotta, Jacobsen, Joy, Lansley, McLeod, Tibbetts, Vaughan.

ABSENT - Ayotte, Berube, Connor, Cressey, Dunn, Emery, Haskell, Marean, Pineau, Pratt, Richardson E, Valentino, Watson.

Yes, 129; No, 7; Absent, 13; Vacant, 1; Excused, 1.

129 having voted in the affirmative and 7 voted in the negative, 1 vacancy with 13 being absent and 1 excused, and accordingly **House Amendment "A" (H-380) to Committee Amendment "A" (H-321)** thereto was **ADOPTED**.

Representative PINGREE of North Haven **REQUESTED** a roll call on the motion to **ADOPT Committee Amendment "A" (H-321) as Amended by House Amendment "A" (H-380)** thereto.

Representative SAVIELLO of Wilton asked leave of the House to be excused from voting on L.D. 1851 pursuant to House Rule 401.12.

The Chair granted the request.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of Committee Amendment "A" (H-321) as Amended by House Amendment "A" (H-380) thereto. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 94

YEA - Adams, Annis, Austin, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Cebra, Chase, Clark, Cleary, Conover, Craven, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Duprey, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Gould, Greeley, Grose, Hamper, Hanley S, Harlow, Hayes, Hill, Hinck, Hogan, Hotham, Jackson, Kaenrath, Knight, Koffman, Lewin, Lundeen, MacDonald, Makas, Marley, Mazurek, McDonough, McFadden, McKane, Miller, Millett, Mills, Miramant, Moore, Muse, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Pinkham, Piotti, Plummer, Prescott, Priest, Rand, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Savage, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy,

Theriault, Thibodeau, Thomas, Treat, Trinward, Tuttle, Valentino, Wagner, Walcott, Walker, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Cotta, Jacobsen, Joy, Lansley, McLeod, Tibbetts, Vaughan.

ABSENT - Ayotte, Berube, Connor, Cressey, Dunn, Emery, Haskell, Marean, Pineau, Pratt, Richardson E, Watson.

Yes, 130; No, 7; Absent, 12; Vacant, 1; Excused, 1.

130 having voted in the affirmative and 7 voted in the negative, 1 vacancy with 12 being absent and 1 excused, and accordingly **Committee Amendment "A" (H-321) as Amended by House Amendment "A" (H-380)** thereto was **ADOPTED**.

The Bill was assigned for **SECOND READING** Friday, June 1, 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. 284) (L.D. 354) Bill "An Act Regarding the Reporting Requirements of Guardians and Conservators" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-374)**

(H.P. 455) (L.D. 588) Bill "An Act To Allow Civil Penalties for Trespass while Engaging in Activities Regulated by Inland Fisheries and Wildlife" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-375)**

(H.P. 748) (L.D. 988) Bill "An Act To Improve the Protection from Abuse Laws" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-376)**

(H.P. 1067) (L.D. 1542) Bill "An Act To Limit the Liability of Organized Clubs" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-377)**

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 **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-362)** on Bill "An Act To Increase Access to Oral Health Care"

(H.P. 822) (L.D. 1129)

Signed:

Senators:

BROMLEY of Cumberland
SCHNEIDER of Penobscot

Representatives:

BEAULIEU of Auburn
SAMSON of Auburn
AUSTIN of Gray
MacDONALD of Boothbay
PRESCOTT of Topsham
SILSBY of Augusta
SMITH of Monmouth
CLEARY of Houlton

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

Signed:

Senator:
COURTNEY of York

Representatives:
BEAUDETTE of Biddeford
RECTOR of Thomaston

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-362)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Friday, June 1, 2007.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-368)** on Bill "An Act To Make Maine Safer by Collecting DNA from Those Convicted of Felonies"

(H.P. 334) (L.D. 418)

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

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

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

Signed:
Representative:
BLANCHETTE of Bangor

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-368)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Friday, June 1, 2007.

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.

Bill "An Act To Amend Truancy Laws Regarding Parent Involvement"
(H.P. 353) (L.D. 454)

TABLED - May 3, 2007 (Till Later Today) by Representative PINGREE of North Haven.

PENDING - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-168)**. (Roll Call Ordered)

Representative SILSBY of Augusta **PRESENTED House Amendment "A" (H-384) to Committee Amendment "A" (H-168)**, which was **READ** by the Clerk and **ADOPTED**.

The SPEAKER: A roll call having been previously ordered, the pending question before the House is Adoption of Committee Amendment "A" (H-168) as Amended by House Amendment "A" (H-384) thereto. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 95

YEA - Adams, Annis, Austin, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Blanchard, Blanchette, Bliss, Boland, Browne W, Bryant, Cain, Campbell, Canavan, Carter, Casavant, Cebra, Chase, Cotta, Craven, Crockett, Crosthwaite, Driscoll, Duchesne, Dunn, Duprey, Eaton, Eberle, Edgecomb, Faircloth, Finch, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Giles, Gould, Greeley, Hamper, Hanley S, Harlow, Hayes, Hill, Hinck, Hogan, Hotham, Jackson, Jacobsen, Kaenrath, Lewin, MacDonald, Makas, Marley, McDonough, McFadden, Miller, Millett, Mills, Miramant, Moore, Muse, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Pieh, Pilon, Pingree, Piotti, Prescott, Rand, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Schatz, Silsby, Simpson, Sirois, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Tibbetts, Trinward, Tuttle, Wagner, Walcott, Walker, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Clark, Cray, Curtis, Finley, Gifford, Grose, Joy, Knight, Lansley, Lundeen, McKane, McLeod, Pinkham, Plummer, Savage, Saviello, Thibodeau, Thomas, Vaughan, Weaver.

ABSENT - Ayotte, Berry, Berube, Brautigam, Burns, Cleary, Connor, Conover, Cressey, Dill, Emery, Farrington, Haskell, Koffman, Marean, Mazurek, Perry, Pineau, Pratt, Priest, Richardson E, Smith N, Treat, Valentino, Watson.

Yes, 105; No, 20; Absent, 25; Vacant, 1; Excused, 0.

105 having voted in the affirmative and 20 voted in the negative, 1 vacancy with 25 being absent, and accordingly **Committee Amendment "A" (H-168) as Amended by House Amendment "A" (H-384)** thereto was **ADOPTED**.

The Bill was assigned for **SECOND READING** Friday, June 1, 2007.

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-363)** on Bill "An Act To Create a Saltwater Recreational Fishing License"

(H.P. 1263) (L.D. 1811)

Signed:
Senators:
DAMON of Hancock
DOW of Lincoln

Representatives:
PENDLETON of Scarborough
EATON of Sullivan
MacDONALD of Boothbay
McDONOUGH of Scarborough

PERCY of Phippsburg
MAZUREK of Rockland
EMERY of Cutler
ADAMS of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-364)** on same Bill.

Signed:

Senator:

SNOWE-MELLO of Androscoggin

Representative:

FLETCHER of Winslow

READ.

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

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

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 (8) **Ought to Pass as Amended by Committee Amendment "A" (H-331)** - Minority (5) **Ought Not to Pass** - Committee on **UTILITIES AND ENERGY** on Bill "An Act To Improve Home and Commercial Building Energy Efficiency"

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

TABLED - May 30, 2007 (Till Later Today) by Representative RINES of Wiscasset.

PENDING - Motion of same Representative 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-331)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Friday, June 1, 2007.

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

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

(H.P. 392) (L.D. 509)

(C. "A" H-255)

Which was **TABLED** by Representative PERCY of Phippsburg pending **PASSAGE TO BE ENACTED**.

Subsequently, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

TABLED AND TODAY ASSIGNED

The Chair laid before the House the following item which was **TABLED** and today assigned:

HOUSE DIVIDED REPORT - Majority (9) **Ought Not to Pass** - Minority (4) **Ought to Pass as Amended by Committee Amendment "A" (H-327)** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Regarding the Sharing of

Educational Costs in School Administrative Units of Multiple Municipalities"

(H.P. 1204) (L.D. 1721)

TABLED - May 30, 2007 by Representative **BABBIDGE** of Kennebunk.

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

The **SPEAKER**: The Chair recognizes the Representative from Kennebunk, Representative **Babbidge**.

Representative **BABBIDGE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a moment I have looked forward to for a very long time. Never during my two terms in office has this body had the opportunity to express its will on this single issue, where not as part of the package, but in isolation, we can judge this specific question on its merits. The philosophical question behind the Majority Report is how should towns that share a school district, share the costs of public education? I hope when weighing the merits I put before you, you will vote against the pending Ought Not to Pass motion.

When the Sinclair Act created the SAD system in 1957, it was generally agreed that wealth, according to property evaluation, was how 100 percent of school costs should be paid. Most SADs were created based on 100 percent evaluation. More than three-quarters of all SADs, 56 of them, shows this formula. That meant that in all single town school districts, which of course used property evaluation to pay for their own schools, and in most SADs, a person was taxed the same that another person with a home of similar value was taxed, anywhere in that school district. Some taxpayers believed that since their town had fewer students, they as individuals should pay less than an equal share to their school district. So, fewer than a quarter of the SADs, 17 of them, helped property rich communities with fewer students by adopting a cost sharing formula that determined a percentage of the total budget by pupil enrollment in each town.

For example, in 1968 my school district was formed, by which 70 percent of the total school budget was shared according to the ratio of property evaluation in each town, and 30 percent of the budget was shared by a different fraction, the ratio of pupils from each town. That 70/30 split was how my school district would calculate costs for the next 36 years, but action by this Legislature in 2004 would change all of this, and at great consequence. Despite that example, I should mention at this time that this bill is not a Kennebunk/Kennebunkport bill. The corrective bill which I put forward on behalf of the Town of Kennebunk, LD 1590, which also received a Divided Report, is a discussion for another day. But the dilemma facing Kennebunk these past three years has provided me the education that is certainly the inspiration for this bill.

Current state law regarding cost sharing under Essential Programs and Services was enacted by LD 1924 in 2004. Let's be clear: My grievance is not with EPS, but with a specific step in its cost sharing mechanism. LD 1924 was the last bill passed on the last evening of the final session of the 121st Legislature. There was no roll call vote. On that last evening of the final session, it went under the hammer. Our distinguished predecessors faced challenging circumstances when they enacted that very relevant legislation. This moment is an opportunity for this Legislature, with our eyes wide open, to affirm that decision by voting green, or as I hope to correct it by voting red. LD 1924 provided a revolutionary change of direction in funding public education by requiring cost sharing only according to pupil count. The result is, in some situations, a financial giveaway to rich communities with fewer students at the cost of other towns in their school district. I maintain that this is not just unwise, but very wrong. Please vote nay on this pending motion.

The development of American education from the Jacksonian period, in the early 19th century to the mid 20th century, was characterized by an evolution by which education became associated with democracy and citizenship, and the community with popular support took responsibility for the equitable education of all of their youth. Eventually, we moved away from the methods of the private academies, where pupils paid individually to get in. Everyone contributed, and those with higher standing because they held considerable property, paid a larger share than their poorer fellow townspeople.

Today's law permits that person of higher standing with considerable property to not only avoid paying a larger share, but if their town in the SAD has a small enough number of students, he pays less than his poorer neighbors in another town of the same school district. At a time in Maine history, when out-of-state people with financial means and no children move into a nice waterfront property in a town with few children, how is it fair that they pay far less for education than a person of the same generation with no children in a less valuable home, in a neighboring town in the same school district? Is it fair for a family with children in a town with few students, to pay just one-third the tax bill of a struggling widow with no children in a town with many students, if both of their properties are of equal value? Current law allows this.

Since shared community responsibility for public education has become an American value, I am concerned the direction we have chosen is not just dangerous; it is contrary to the American values behind public education in America. I fear the pupil count as the basis for cost sharing, also encourages socioeconomic discrimination. Why would any town adopt statutes friendly to low income families, if those measures would cost them more money? De jure discrimination is illegal, but a town's attitude toward the kind of citizen they welcome is a real concern. If my fellow Representative from Kennebunk, who has five beautiful children, should move across the town line to Kennebunkport, why should Kennebunkport's taxes go up when those kids are going to the same school? Pupil enrollment as the basis for cost sharing can also be antibusiness, and SADs, if a town attracts a business and new employees and their families, it is very possible for the new property taxes collected, to be dwarfed by the money lost by increased tax assessment for the schools, based on increased numbers of students. Pupil count is a helpful tool for efficiency comparisons, but it is improper as the sole tool for assessing taxes—that is why you must vote no on the current motion.

Maine is an aging state. Along the coast, Maine is seeing property being purchased by wealthy second homeowners from away. Many are retirees who have come in and bought condominiums or shorefront property with no interest in children, their own are grown up and out-of-state. As the demographic changes, we should not permit financial self-interest to trump responsibility as a community to our children. We seem to have adopted the same mechanism to pay for trash disposal, pay as you throw, as we have for educating children, pay as they go to school. I submit that the two are very different, and while it is okay for certain individuals to pay for the number of bags of trash they create, our children, the key to our future regardless of number, deserve the full support of all citizens of their educational community.

This Ought Not to Pass motion prohibits adoption of a minimum standard that some communities, having one exemption from the funding formula, have already chosen, a compromise minimum. We are defining new education communities in this consolidation process, and at least one factor

in that community support should be wealth. If I were in favor of this motion, and I am not, I am opposed, but if I were in favor of this motion, I would try to persuade you to not tamper with the system, that cost sharing is part of a complex web that should not be meddled with, that districts with problems have received exemptions, and that the future holds the promise of reform and perhaps positive changes. But please do not be side tracked from the question before us. It has taken 2.5 years for me to get this question before this body. We are in a position here where there is no partisan pressure. Here, now, you get to decide if wealthy communities still pay a fair share towards schools, even if they have very few kids.

One alternative to this motion is a compromise, which provides that a minimum of 50 percent of education costs must be shared among municipalities, according to a measure of wealth such as property taxes. It is not 100 percent as all single town systems have, it is not 100 percent as most school administrative districts had up until three years ago, and it is not 70/30. But 50 percent is a compromise that upholds the principle that the responsibility of education is that of the entire educational community, regardless of where the majority of children live within that district—that is a principle worth defending before we start checking how our own pocketbooks will be impacted as new school districts are formed.

I ask you to stop this private school like, "pay as you go" practice, and restore the American value of community responsibility for our children's education. Ben Franklin said that the cost of education should be born by all. Defeating this motion is a vote against the status quo, a vote against pupil count as the sole factor in dividing the local share of EPS costs. I appreciate your attention. On this motion on the floor, I ask that you vote red. Mr. Speaker, I request a roll call.

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

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

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

Representative **NORTON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I understand what the good Representative from Kennebunk, Representative Babbidge, is trying to accomplish. In fact, you have to know that I even agree with what he is trying to accomplish. My problem is his bill right now is a little bit premature. We are in the process of this regionalization thing, and this is part of what regionalization will help take care of. I think, and in fact, part of the reason the Committee came down the way they did on this bill, is because we need to see what comes out of this process. In fact, a large part of what the Department is doing is coming up with a variety of solutions that I think you probably want to hear, before you go putting one into effect for all of these situations.

As I said, I think probably that is why we have such a strong Committee Report, because we are working to take care of this. I would just hate to see people close the doors on a solution that might be more amendable or better for you, by voting in one solution for all; before you have even had a chance to see what else was out there. I urge you to vote Ought Not to Pass, again, not because I disagree with some of his thinking, but I am terribly afraid that he is just being premature on this. Please follow my light and vote green on Ought Not to Pass.

The **SPEAKER**: The Chair recognizes the Representative from Bethel, Representative Carter.

Representative **CARTER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to

echo the sentiments of the good Representative from Kennebunk, and this does have a profound effect on my district already. I hate to see everything being put off until the magic bill comes out.

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. I would like to endorse the Ought Not to Pass motion that is on the floor. I would like to speak briefly—I know people hate that word briefly because sometimes people tend to be long winded, but I do not want to compete with the din of hungry stomachs growling around me.

What I am concerned about, obviously, is the consolidation plans and how this would disrupt that particular establishment. But also, this ties in considerably with what has been going on in the Kennebunkport area, the area which I represent in Kennebunk. It has been an ongoing conflict the last 30 years in terms of who pays what. For 30 years, Kennebunkport residents complained to be that they were paying too much, and now Kennebunk residents are complaining that they pay too much. It is a fight that still has to be resolved somewhere. This bill does not do that because, again, what is on the table in terms of consolidation.

One factor is important, I think, and this will be my last point: In that particular SAD, Kennebunkport only sends 20 percent of the students to the entire system. Now we may historically point out that it is nice that in towns by itself, it is an accepted practice that communities, whether you have kids or not, support the schools. I tend to disagree with my colleague, that an SAD does not quite work that way, that because it is a cooperation, a negotiated cooperation between towns or cites, that that type of rule does not hold, and so you have to include the amount of students that participate or attend particular schools. It is not just how wealthy a town is, and of course, I would beg to differ with my colleague that if you look at Kennebunkport and Kennebunk, I think you are looking at two towns that are essentially of the same wealth. It has nothing to do with the poor town versus the rich town; it has to do with two towns of equal wealth. Thank you.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Babbidge.

Representative **BABBIDGE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just two things: For the record, the Kennebunk/Kennebunkport issue is one that deserves a great deal of discussion and we are not going to have that here mercifully, but I will say that the remedy that Kennebunk seeks is far greater than what is in this bill. The fact is that districts have had agreements that were overturned by the state 2.5 years ago, by LD 1924; they certainly have the right to do that. We have corrected, or I should say we have adjusted some of those agreements by granting exemptions to certain districts, but some of them, a few of them, still have unresolved conflicts.

I did attend a meeting recently of school boards that were considering consolidation, and actually, a person from a very property rich town said, "Please, as legislators, dictate to us what our cost sharing formula is going to be. If you require us to negotiate that formula, it will destroy the environment for us to have future collaboration. We need to know what it is going to be." We already do that; we have an EPS implemented cost sharing formula.

I would like to remind the body that what I am proposing here is not an alternative formula, it is only a minimum. If people still want to still be at 100 percent evaluation, they may; 70/30, they may. But at least 50 percent would have to be according to a

measure of wealth, which may be property taxes. That is the bill. Thank you very much, for your time.

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. 96

YEA - Adams, Austin, Beaudette, Beaudoin, Blanchard, Bliss, Brautigam, Browne W, Bryant, Cain, Campbell, Casavant, Cebra, Chase, Clark, Conover, Craven, Cray, Crockett, Curtis, Dill, Duchesne, Dunn, Duprey, Faircloth, Farrington, Finley, Fischer, Fisher, Fletcher, Gerzofsky, Gifford, Greeley, Grose, Hamper, Hanley S, Harlow, Hill, Hinck, Jackson, Jacobsen, Kaenrath, Lewin, Makas, Mazurek, McDonough, McKane, McLeod, Miller, Millett, Muse, Norton, Patrick, Percy, Perry, Pieh, Pilon, Pingree, Pinkham, Piotti, Plummer, Prescott, Priest, Rand, Richardson D, Robinson, Rosen, Saviello, Simpson, Strang Burgess, Sutherland, Tardy, Theriault, Thibodeau, Thomas, Treat, Tuttle, Valentino, Vaughan, Walcott, Walker, Weaver, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Annis, Babbidge, Beaulieu, Berry, Blanchette, Boland, Burns, Canavan, Carter, Cotta, Crosthwaite, Driscoll, Eaton, Eberle, Edgecomb, Finch, Fitts, Flood, Giles, Gould, Hayes, Hotham, Joy, Knight, Lansley, Lundeau, MacDonald, McFadden, Mills, Miramant, Nass, Pendleton, Peoples, Rector, Richardson W, Rines, Samson, Savage, Schatz, Sirois, Sykes, Tibbetts, Trinward, Wagner, Woodbury.

ABSENT - Ayotte, Barstow, Berube, Cleary, Connor, Cressey, Emery, Haskell, Hogan, Koffman, Marean, Marley, Moore, Pineau, Pratt, Richardson E, Silsby, Smith N, Watson.

Yes, 86; No, 45; Absent, 19; Vacant, 1; Excused, 0.

86 having voted in the affirmative and 45 voted in the negative, 1 vacancy with 19 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

CONSENT CALENDAR

First Day

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

(S.P. 27) (L.D. 42) Bill "An Act To Repeal Term Limits for Legislators" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-167)**

(S.P. 222) (L.D. 685) Bill "An Act To Amend the Maine Human Rights Act" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-162)**

(S.P. 226) (L.D. 709) Bill "An Act To Amend the Accord and Satisfaction Laws To Add Juveniles" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-163)**

(S.P. 500) (L.D. 1422) Bill "An Act To Allow Nonprofit Organizations To Operate Certain Games of Chance without a License" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-168)**

(S.P. 573) (L.D. 1629) Bill "An Act Regarding Jury Service" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-164)**

(S.P. 633) (L.D. 1789) Bill "An Act To Ratify the Revised Interstate Compact for the Placement of Children To Promote Compliance with the Federal Safe and Timely Interstate

Placement of Foster Children Act of 2006" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-165)**

(S.P. 643) (L.D. 1808) Bill "An Act To Improve Road Safety and Update Bicycling Laws" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-166)**

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 **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-379)** on Bill "An Act To Establish a Pricing Formula for Liquor Sales and To Adjust Agent Discounts"

(H.P. 1223) (L.D. 1757)

Signed:

Senator:

PLOWMAN of Penobscot

Representatives:

WEDDELL of Frankfort

PINKHAM of Lexington Township

TRINWARD of Waterville

PATRICK of Rumford

TUTTLE of Sanford

NASS of Acton

GOULD of South Berwick

FITTS of Pittsfield

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

Signed:

Senators:

MARRACHÉ of Kennebec

BRYANT of Oxford

Representative BLANCHETTE of Bangor - of the House - abstaining.

READ.

Representative PATRICK of Rumford 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 **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Reimburse Philip Wolley for Litigation Expenses Incurred in Connection with His Termination and Reinstatement as a State Employee"

(H.P. 11) (L.D. 10)

Signed:

Senators:

MARRACHÉ of Kennebec

PLOWMAN of Penobscot

BRYANT of Oxford

Representatives:

PINKHAM of Lexington Township

TRINWARD of Waterville

PATRICK of Rumford

BLANCHETTE of Bangor

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-378)** on same Bill.

Signed:

Representatives:

MOORE of Standish

WEDDELL of Frankfort

TUTTLE of Sanford

NASS of Acton

GOULD of South Berwick

FITTS of Pittsfield

READ.

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

The SPEAKER: The Chair recognizes the Representative from Frankfort, Representative Weddell.

Representative **WEDDELL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have known Phil Wolley almost all of my life; I worked for him during high school. This is a case, and I think it is one of a kind, where Mr. Wolley was terminated from the Lottery Commission for taking money. He later was reinstated and received back wages. In the course of this case, he spent \$28,000 of his own money for lawyer's fees, he had to sell his house in Bangor to pay off the fees, and he moved back to Searsport to a smaller house.

This is a case where the state moved rather quickly, and they did it with vigor and dispatch, and they accused one of its citizens of something that he said he did not do. Mr. Wolley said he did not do it, I believe him. I believe that Mr. Wolley should get his money back, and I am asking you, Ought Not to Pass as Amended by Committee Amendment "A." Thank you, Ladies and Gentlemen of the House. Thank you, Mr. Speaker.

Representative TUTTLE of Sanford **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 Sanford, Representative Tuttle.

Representative **TUTTLE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I do apologize, but I do feel quite strongly on this issue. I believe it was the 120th Legislature, was the first time that actually enacted a bill on reference to Mr. Wolley. As was mentioned, the bill makes a one-time General Fund appropriation of \$28,000, for fiscal year 2007-2008. As was mentioned, Mr. Wolley has been vindicated of charges that were brought against him. The state has wronged one of its citizens, and it should correct the wrong and learn from its mistakes. Mr. Wolley, as said before, came close to receiving this money in the 120th Legislature, but due to budget reasons it was never awarded.

These issues are always some of the most difficult that come before the Committee on Legal and Veterans Affairs. I am very cautious on supporting of these issues, having been former House Chair of the Committee for a number of years, but I really think that in this case, Mr. Wolley should be reimbursed. It is my understanding that the state spent over \$100,000 on a case, and I think that was a mistake. I think we need to go on record that if

the state is wrong that we have to admit it. In this case, I think the state was wrong, Mr. Wolley should be vindicated.

I know that Senator Weston, who was also on the bill, said that she would encourage the Committee to vote Ought to Pass. The State has a long history of not paying its bills. She says that we do owe Mr. Wolley \$28,000, and as Senator Weston said, I would encourage you to do the right thing and to support this bill.

The SPEAKER: Will the Representative please defer. In Representative Tuttle's recent comments, he referred to the actions of the other Chamber. I want to remind members that we do not do that. We need to make sure that we focus here.

The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Mr. Speaker, I did not mention the actions of the other body, I mentioned another member of the other body making a reference in a committee.

The SPEAKER: According to our House Rules, even that would be over the line of what we should do in the Chamber.

The Chair advised Representative TUTTLE of Sanford that it is inappropriate to refer to the potential action of the Office of the Executive or the other body in order to influence the vote of the House.

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. If you have Supplement No. 9 in front you, you know that I voted Ought Not to Pass. It is with a great deal of pain that I have had to do this, but I have served on Legal and Vets for the seven years that I have been in this Legislature, and I have seen this legislation before us every time. It has been a hard and fast rule of mine that I will not give anyone permission to sue the State of Maine, because once you do, you have opened up Pandora's Box, everybody out there that has a grudge—they think a DHS worker ruled wrongly against them, they will bring a suit against the State of Maine.

I am going to tell you right flat out that Mr. Wolley should be reimbursed. We did make a mistake: We cost him \$28,000. But this should be a one-time appropriation from either the Appropriations Committee, the Governor's Contingency Fund. Somewhere along the line we need to make this man whole. It is our mistake, we are not perfect, but to allow someone to succeed in suing the State of Maine is a bad, bad precedent to start, which is why I am on the side of the Majority Ought Not to Pass Report.

The day of reckoning is going to come to us, when you cannot disregard people's human rights. If you make a mistake, you step up to the plate and correct it. Suing is not the way to do that because there are way, way, way too many people out there, in all of our neighborhoods and all of our towns, that have grudges against the state. I urge you to go with the Majority Ought Not to Pass vote, and talk to everyone you can in this building that might have some influence on other parts of state government, and rectify this wrong that has been done to this man. I have known Phil Wolley for any number of years; we are members of Maine State Retirement Group together, he is a friend, I know his wife, she is a wonderful lady. I want to make him whole, but there is a precedent that just does not need to be set to allow someone to sue the State of Maine. Thank you.

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

Representative **TUTTLE**: Briefly, Mr. Speaker, if we can all look at the Minority Report, H-378, it does what the good Representative from Bangor says: The bill essentially is a fiscal note of direct appropriations. We are not suing the state, it is a direct appropriation. I think that answers the question.

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

Representative **PATRICK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House, Colleagues, and Friends. I do agree with the Representative from Bangor, Representative Blanchette, on a lot of the issues. I do not necessarily agree with her that he should be reimbursed with \$28,000. By doing so, it would set a dangerous precedent to award litigation expenses in this situation.

Mr. Wolley was terminated from the State Lottery, and was a member of the union representing state employees at the time. MSEA filed agreements on his behalf, and represented him throughout the entire grievance process at no cost to Mr. Wolley. MSEA was successful in overturning his grievance, and the arbitrator held that the state had not proven by clear and convincing evidence that he was guilty of gross misconduct, and was reinstated with full back pay and benefits. This bill seeks compensation for expenses incurred in a separate criminal proceeding, arising out of the same circumstances. He was indicted by the Grand Jury, but the case was dismissed during the trial in May 1986. Thank you.

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

ROLL CALL NO. 97

YEA - Adams, Babbidge, Beaudette, Beaudoin, Blanchard, Blanchette, Bliss, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Carter, Casavant, Cebra, Conover, Cotta, Craven, Cray, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Duprey, Eaton, Eberle, Edgecomb, Farrington, Finch, Fischer, Fisher, Fletcher, Flood, Gerzofsky, Gifford, Greeley, Grose, Hanley S, Harlow, Hayes, Hill, Hinck, Hogan, Hotham, Jackson, Jacobsen, Kaenrath, Lundeen, MacDonald, Makas, Marley, Mazurek, McKane, McLeod, Miller, Millett, Mills, Miramant, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Pinkham, Piotti, Plummer, Priest, Rand, Rector, Richardson D, Richardson W, Rines, Robinson, Samson, Silsby, Simpson, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Tibbetts, Treat, Trinward, Valentino, Wagner, Walcott, Walker, Weaver, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Beaulieu, Berry, Boland, Chase, Clark, Dunn, Faircloth, Finley, Fitts, Giles, Gould, Hamper, Joy, Knight, Lansley, Lewin, McDonough, McFadden, Moore, Muse, Nass, Norton, Prescott, Rosen, Savage, Saviello, Schatz, Sirois, Thomas, Tuttle, Vaughan, Weddell.

ABSENT - Ayotte, Barstow, Berube, Canavan, Cleary, Connor, Cressey, Crockett, Emery, Haskell, Koffman, Marean, Pineau, Pratt, Richardson E, Smith N, Watson.

Yes, 99; No, 34; Absent, 17; Vacant, 1; Excused, 0.

99 having voted in the affirmative and 34 voted in the negative, 1 vacancy with 17 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

Representative **PERCY**: Thank you, Mr. Speaker. On the record, if I had been present for Roll Call No. 87, I would have voted yea.

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

On motion of Representative TARDY of Newport, the House adjourned at 1:34 p.m., until 9:00 a.m., Friday, June 1, 2007 in honor and lasting tribute to Joseph John R. Cyr, of Van Buren.