

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
50th Legislative Day
Monday, June 4, 2007

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

Prayer by Reverend Donna Lee Muise, First Parish Federated Church, South Berwick.

National Anthem by Mt. Blue Middle School Show Choir, Farmington.

Pledge of Allegiance.

The Journal of Friday, June 1, 2007 was read and approved.

COMMUNICATIONS

The Following Communication: (S.C. 370)

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

June 1, 2007

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Please be advised the Senate today adhered to its previous action whereby it referred Bill "An Act To Adjust the State Valuation of Boothbay Harbor" (H.P. 1350) (L.D. 1917) to the Committee on State and Local Government, in non-concurrence.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

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

CONSENT CALENDAR

First Day

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

(H.P. 260) (L.D. 325) Bill "An Act To Clarify the Tax-exempt Status of Ornamental Horticulture" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-406)**

(H.P. 579) (L.D. 758) Bill "An Act To Protect Household Pets and Other Animals from Poisoning" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-399)**

(H.P. 997) (L.D. 1414) Bill "An Act To Support Farms and Limit Sprawl" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-407)**

(H.P. 1089) (L.D. 1564) Resolve, To Encourage Financial Education of Children from Kindergarten to Grade 12 Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-402)**

(H.P. 1243) (L.D. 1781) Bill "An Act To Prevent Duplication in Certification of Medical Facilities" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-401)**

(H.P. 1308) (L.D. 1876) Resolve, Regarding the Maine State Cultural Building in Augusta (EMERGENCY) Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-400)**

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. 653) (L.D. 1835) Bill "An Act To Amend the Laws Relating to Notaries Public"

(S.P. 713) (L.D. 1914) Bill "An Act To Extend the Time Allowed for Outcome-based Forestry" (EMERGENCY)

(S.P. 170) (L.D. 515) Bill "An Act To Amend Laws Relating to Persons Serving as Permanency Guardians or Receiving Permanency Guardianship Subsidies" (C. "A" S-176)

(S.P. 270) (L.D. 860) Bill "An Act To Amend Certain Laws Affecting Transportation" (C. "A" S-177)

(S.P. 283) (L.D. 895) Bill "An Act Concerning Blasting near Residential Areas" (EMERGENCY) (C. "A" S-169)

(S.P. 359) (L.D. 1107) Bill "An Act To Promote Compliance with the Workers' Compensation Laws" (C. "A" S-174)

(S.P. 419) (L.D. 1171) Bill "An Act To Modernize the Laws Pertaining to the Sport of Skiing and Use of Ski Areas" (C. "A" S-171)

(S.P. 388) (L.D. 1200) Bill "An Act To Require the Department of Environmental Protection To Exclude Repeat Violators of Environmental Laws from Receiving State Contracts" (C. "A" S-170)

(S.P. 608) (L.D. 1741) Bill "An Act To Update the Maine Business Corporation Act" (C. "A" S-178)

(H.P. 154) (L.D. 172) Bill "An Act To Increase the Property Tax Exemption for Veterans" (C. "A" H-385)

(H.P. 215) (L.D. 259) Bill "An Act To Clarify the Composition of the Advisory Council on Tax-deferred Arrangements" (C. "A" H-389)

(H.P. 258) (L.D. 323) Bill "An Act Permitting Substitute Teachers To Opt Out of the Maine State Retirement System" (C. "A" H-390)

(H.P. 308) (L.D. 392) Bill "An Act To Establish Penalties for Violation of the Severance Pay Law" (C. "A" H-391)

(H.P. 624) (L.D. 827) Bill "An Act To Allow Certain Special Education Teachers To Acquire Time from the Maine State Retirement System" (C. "A" H-392)

(H.P. 849) (L.D. 1156) Bill "An Act To Protect Owners and Occupiers of Homes from Civil Liability" (C. "A" H-396)

(H.P. 891) (L.D. 1263) Resolve, To Continue the Tribal-State Work Group (EMERGENCY) (C. "A" H-395)

(H.P. 922) (L.D. 1314) Bill "An Act To Reimburse MaineCare in Certain Workers' Compensation Cases" (C. "A" H-393)

(H.P. 1014) (L.D. 1445) Bill "An Act To Calculate the Livable Wage and Measure the Bureaucratic Costs To Subsidize Workers Paid Less Than a Livable Wage" (C. "A" H-394)

(H.P. 1039) (L.D. 1477) Bill "An Act Concerning the Natural Resources Protection Laws and Related Provisions" (EMERGENCY) (C. "A" H-388)

(H.P. 1120) (L.D. 1598) Bill "An Act To Grant Supervisory Privileges to Qualified Independent Nurse Practitioners" (C. "A" H-386)

(H.P. 1225) (L.D. 1759) Bill "An Act To Reduce Fraud in the Processing of Beverage Containers" (C. "A" H-387)

(H.P. 1256) (L.D. 1801) Bill "An Act To Clarify the Definition of Autism and Eligibility for Services from the Department of Health and Human Services" (C. "A" H-381)

(H.P. 1292) (L.D. 1853) Bill "An Act To Enact the Model Registered Agents Act and Amend Entity Acts To Rationalize Annual Filings" (C. "A" H-397)

(H.P. 1307) (L.D. 1875) Bill "An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2007-08" (EMERGENCY) (C. "A" H-382)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** in concurrence and the House Papers were **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

BILLS IN THE SECOND READING
Senate as Amended

Bill "An Act To Promote County-based Economic Development Efforts"

(S.P. 324) (L.D. 1007)
(C. "A" S-160)

House

Resolve, To Provide for a Careful Examination of the Motor Fuel Taxes

(H.P. 1353) (L.D. 1919)

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

Bill "An Act To Designate May 1st of Each Year as Cold War Victory Day" (EMERGENCY)

(H.P. 103) (L.D. 111)
(C. "C" H-334)

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

On motion of Representative PIEH of Bremen, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended**.

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 York, Representative Weaver.

Representative **WEAVER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. My good friend, Representative Duprey, asked me that I read this letter to you, so I will do it at this time.

"The Cold War was America's longest war. According to US Federal Law, it lasted officially from September 2, 1945, the date the Japanese finally surrendered, thus marking the end of World War II, to December 26, 1991, the date of the former dissolution of the Soviet Union."

This is Representative Duprey's words: "It was 1985 and I was just graduating from high school, when I walked into the US Navy recruiting office. Ronald Regan was President and he made me proud to be an American. He instilled on me a sense of duty to my country to join the military. I signed up, and one week later I was in boot camp in Great Lakes, Illinois. Due to high academic scores, they recruited me into a top-secret

program that was unknown until recently from the outside world. Since it had been briefly declassified, I can talk about some of the aspects of my job.

I was trained in advance anti-submarine warfare tactics with the US Navy's Integrated Undersea Surveillance System. It was a top-secret nuclear submarine tracking program designed to locate, if necessary, destroy enemy submarines. For eight years I had to lie to my friends, even my own parents, about my job. I could not say to my dad, "Last night I tracked a Soviet ballistic submarine with 20 nuclear warheads, each with 10 multiple independently retargetable reentry warheads." This means that the sub alone had the ability to strike 200 targets in the United States with a nuclear bomb. Oh, by the way, I tracked that sub for an eight-hour shift and hopped on a Navy P-3C Orion, an anti-submarine warfare aircraft, and located a submarine, and did a simulated attack. I was unable to tell the story; I was left telling everyone I was monitoring whale migration patterns off the coast of Greenland—not a cool story to tell girls in a bar.

In 1960 and 1970, the Soviet ballistic missile submarines were patrolling just a few hundred miles off the east and west coast of the United States. These nuclear warheads could strike within 6 minutes of launch, the new and grave threat to men that we always be on war posture, at any time we could be at war; thus we were always prepared to destroy the subs when given the order. Ronald Regan knew that Navy superiority was the key to a strong defense against the Soviets. He modernized our Navy and our submarines virtually undetectable, and built a military up as strong, and he bankrupted the Soviet Union trying to keep up with us; thus ending the Cold War in 1991, when the Soviets collapsed.

To the men and women I served with, we were at war everyday. We may not have had flying bullets overhead, but we were protecting the United States from nuclear strike. The men and women who have served during the Cold War have been forgotten, and I am here today to recognize the sacrifices in ending American's longest war. I would like May 1 each year, to be designated Cold War Victory Day.

You may ask why I picked May 1. The Cold War Veterans Association is a national group of Cold War veterans, that on May 1, 2003, they declared May 1 to be the annual day for observation of the victory of the Cold War. That year, the Governors of Kansas and Wisconsin, declared May 1 as a Cold War Victory Day in their states, 14 other states followed suit in 2004. Today I am hoping Maine can join the ranks of the states that have served forgotten heroes, who helped in one of America's darkest periods. We are not asking for a state holiday or anything, but a simple day of thanks. Even a furry rodent has a day on the calendar, and it is time that the men and women who sacrificed day in and day out, keeping us safe with nuclear war, are honored as well."

We have a roll call, and I would like to speak personally myself: As a Captain on a B-52—myself, and five other crewmembers: a copilot, a bombardier, a navigator, a gunner, and an electronic warfare officer—we flew B-52's. We would take off on a mission and we had four nuclear weapons in the belly of the B-52. We had four targets in Russia. We would take off on a 24-hour mission, 20 of those hours we would cover targets in Russia. We were at the edge of Russian airspace. We would refuel two times, taking on 100,000 lbs of fuel each time, but we were constantly ready to strike. When we were fore-fathering our mission, when an airplane took off from the base, they would call us and relieve us, and we would come home and they would pick up the obligation. SAC had a third of its bombers on alert all the time, so these men and women did fight a war. It was a war of nerves; it was not a war of bullets, but a war of nerves. We

would just see who blinked first, and Cuba was a classic example, so I ask for your vote in this motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Wagner.

Representative **WAGNER**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I do not want to diminish the work that the service people in our society in the United States brought forth during the so-called Cold War; however, I feel very strongly that this was not a victory. Instead, a particular highly bureaucratic, inefficient, economic system collapsed. We did not win. They lost if anything. Furthermore, I object to the selection of May 1. I consider this to be a slap in the face of many workers in this world. I am going to vote against this motion. Thank you.

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

ROLL CALL NO. 100

YEA - Annis, Austin, Ayotte, Barstow, Beaudette, Beaudoin, Beaulieu, Blanchette, Bliss, Browne W, Cain, Campbell, Casavant, Cebra, Chase, Clark, Cleary, Connor, Conover, Cotta, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Eaton, Eberle, Edgecomb, Emery, Faircloth, Farrington, Finch, Finley, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Gould, Grose, Hamper, Hanley S, Hayes, Hotham, Jackson, Jacobsen, Joy, Knight, Lansley, Lewin, Marean, McDonough, McFadden, McKane, McLeod, Millett, Mills, Muse, Nass, Norton, Pendleton, Peoples, Pineau, Pingree, Pinkham, Piotti, Plummer, Prescott, Priest, Rector, Richardson D, Richardson W, Rines, Robinson, Savage, Saviello, Schatz, Silsby, Sirois, Smith N, Strang Burgess, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Tuttle, Vaughan, Walker, Watson, Weaver, Weddell, Woodbury, Mr. Speaker.

NAY - Adams, Babbidge, Berry, Brautigam, Bryant, Burns, Canavan, Carter, Craven, Harlow, Hill, Hinck, Hogan, Kaenrath, Lundeen, MacDonald, Makas, Marley, Mazurek, Miller, Miramant, Patrick, Percy, Pieh, Pilon, Pratt, Rand, Samson, Simpson, Sutherland, Treat, Trinward, Valentino, Wagner, Walcott, Webster, Wheeler.

ABSENT - Berube, Blanchard, Boland, Cressey, Duchesne, Dunn, Duprey, Fischer, Fisher, Greeley, Haskell, Koffman, Moore, Perry, Richardson E, Rosen, Sykes.

Yes, 96; No, 37; Absent, 17; Vacant, 1; Excused, 0.

96 having voted in the affirmative and 37 voted in the negative, 1 vacancy with 17 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence

Bill "An Act To Enact the Informed Growth Act"
(H.P. 1262) (L.D. 1810)
(C. "A" H-355)

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

On motion of Representative **BEAUDETTE** of Biddeford, was **SET ASIDE**.

The same Representative **PRESENTED House Amendment "A" (H-383)**, which was **READ** by the Clerk.

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

Representative **BEAUDETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This amendment is to provide an exemption for municipalities that have an economic or community impact review criteria in place. That is merrily the point of the amendment. I very much appreciate your support.

Subsequently, **House Amendment "A" (H-383)** was **ADOPTED**.

Representative **JOY** of Crystal moved that the House **RECONSIDER** its action whereby **Committee Amendment "A" (H-355)** was **ADOPTED**.

Representative **BARSTOW** of Gorham **REQUESTED** a roll call on the motion to **RECONSIDER ADOPTION** of **Committee Amendment "A" (H-355)**.

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 Reconsideration of Adoption of Committee Amendment "A" (H-355). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 101

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaulieu, Berry, Bliss, Brautigam, Browne W, Bryant, Cain, Campbell, Canavan, Casavant, Cebra, Chase, Cleary, Connor, Conover, Cotta, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Eaton, Edgecomb, Emery, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Gould, Hamper, Hanley S, Harlow, Hayes, Hill, Hinck, Hogan, Hotham, Jackson, Jacobsen, Joy, Kaenrath, Knight, Lansley, Lewin, Marean, Marley, Mazurek, McDonough, McFadden, McKane, McLeod, Miller, Millett, Mills, Miramant, Muse, Nass, Norton, Patrick, Pendleton, Percy, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Prescott, Priest, Rector, Richardson D, Richardson W, Robinson, Samson, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Walker, Weaver, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Beaudoin, Blanchette, Burns, Carter, Clark, Craven, Eberle, Grose, Lundeen, MacDonald, Makas, Peoples, Pieh, Pratt, Rand, Rines, Walcott, Watson, Weddell.

ABSENT - Berube, Blanchard, Boland, Cressey, Duchesne, Dunn, Duprey, Greeley, Haskell, Koffman, Moore, Perry, Richardson E, Rosen, Sykes.

Yes, 116; No, 19; Absent, 15; Vacant, 1; Excused, 0.

116 having voted in the affirmative and 19 voted in the negative, 1 vacancy with 15 being absent, and accordingly the House **RECONSIDERED ADOPTION** of **Committee Amendment "A" (H-355)**.

On motion of Representative **JOY** of Crystal, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-355)** and later today assigned.

**ENACTORS
Emergency Measure**

An Act To Adjust the Levels of the State's Dairy Stabilization Program

(S.P. 262) (L.D. 852)
(C. "A" S-139)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 125 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure
An Act To Adjust the Milk Handling Fee

(H.P. 1030) (L.D. 1468)
(C. "A" H-306)

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

Acts

An Act To Amend the Family Medical Leave Laws
(S.P. 119) (L.D. 375)
(C. "A" S-121)

An Act To Extend the Coyote Night Hunting Season
(H.P. 763) (L.D. 1045)
(C. "A" H-295)

An Act To Provide Uniform Treatment of Prior Convictions in the Maine Criminal Code
(H.P. 883) (L.D. 1241)
(C. "A" H-314)

An Act To Clarify the Laws Governing Landowner Liability
(H.P. 886) (L.D. 1258)

An Act To Allow the Discharge of Aquatic Pesticides Approved by the Department of Environmental Protection for the Control of Mosquito-borne Diseases in the Interest of Public Health and Safety
(H.P. 902) (L.D. 1274)
(C. "A" H-302)

An Act To Increase Civil Penalties for Violations of Fire Code Laws Applicable to Fire Escape Installment and Maintenance
(H.P. 934) (L.D. 1326)

An Act To Increase Caps on Damages in Actions under the Maine Human Rights Act
(H.P. 964) (L.D. 1372)
(C. "A" H-303)

An Act To Prevent Elder Prescription Drug Abuse
(S.P. 511) (L.D. 1463)
(C. "A" S-159)

An Act To Amend the Membership and Reporting Requirements for the Citizen Trade Policy Commission
(S.P. 542) (L.D. 1519)
(C. "A" S-155)

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

An Act To Ensure End-of-life Care for Children with Terminal Illnesses
(H.P. 1231) (L.D. 1765)
(C. "A" H-301)

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

An Act To Permit Automated External Defibrillators in Kindergarten to Grade 12 Schools
(H.P. 1247) (L.D. 1785)
(C. "A" H-311)

An Act To Clarify Comprehensive Planning and Land Use Ordinances
(H.P. 1258) (L.D. 1803)
(C. "A" H-300)

An Act To Preserve Home Care Coordination Services for Long-term Care Consumers Served in the Community
(H.P. 1260) (L.D. 1805)
(C. "A" H-309)

An Act To Improve the Efficiency of the Maine Emergency Medical Services System
(H.P. 1283) (L.D. 1841)
(C. "A" H-315)

An Act To Prepare All Maine Students for Postsecondary Education, Career and Citizenship
(H.P. 1295) (L.D. 1859)
(C. "A" H-313)

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, Requiring the Maine Center for Disease Control and Prevention To Report on Activities To Implement the Recommendations of the Task Force To Study Cervical Cancer Prevention, Detection and Education
(S.P. 45) (L.D. 137)
(C. "A" S-158)

Resolve, Directing the Department of Public Safety, Bureau of Liquor Licensing and Compliance To Study the Retail Placement and Marketing of Spirits, Beer and Wine with Regard to Minors
(H.P. 645) (L.D. 846)
(H. "A" H-305 to C. "A" H-289)

Resolve, Regarding the Department of Audit's Municipal Internal Control Observation Program
(S.P. 510) (L.D. 1462)
(C. "A" S-156)

Resolve, To Enhance Accountability in Tax Increment Financing
(H.P. 1031) (L.D. 1469)
(C. "A" H-299)

Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory
(H.P. 1268) (L.D. 1816)
(C. "A" H-307)

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

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Friday, June 1, 2007, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (10) **Ought to Pass as Amended by Committee Amendment "A" (H-363)** - Minority (2) **Ought to Pass as Amended by Committee Amendment "B" (H-364)** - Committee on **MARINE RESOURCES** on Bill "An Act To Create a Saltwater Recreational Fishing License"
(H.P. 1263) (L.D. 1811)

TABLED - May 31, 2007 (Till Later Today) by Representative PERCY of Phippsburg.

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

Representative McKANE of Newcastle **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 Newcastle, Representative McKane.

Representative **McKANE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill troubles me, because I see it as a way to eventually get to a saltwater fishing license in the State of Maine.

In my district in particular, there has been a large outcry against this original bill. I understand that the amended versions, both of them, are not for the saltwater fishing license, they are to find out what the Feds are going to do, and if the Feds are going to put a fee on saltwater fishing, we are going to preempt them. But I do not look at it that way; I think we should call their bluff. I think it is looking more as if you find out your neighbor's house is going to be robbed; you might as well rob them first because they are going to be robbed anyway.

Well, I do not agree with that. I do not think we should start putting a fee on something that has always been free, and it always should be free to let anybody go down to the town dock, go down to the beach, go off the rocks, throw a line in, see if you can catch a pollack or a flounder. It is worse than the canoe and kayak tax in my opinion. I hope you will vote against this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Phippsburg, Representative Percy.

Representative **PERCY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Local control: That is what this bill is about. This bill is about at some point in time, the State of Maine making the decision whether it wants to design a recreational saltwater fishing registry or license program.

The reason this amendment has come to you is there were so many questions in front of the Marine Resources Committee about what are the Feds doing, what is it going to cost, and what does it cost to create a program, and does it make a difference whether data has influence on how we manage our fisheries. The Committee decided after lots of testimony and lots of debate, that it was important to study the issue. The Resolve states, first of all, that the title of this legislation has been changed, and is a resolve to direct the Department of Marine Resources to study the implementation of a saltwater recreation fishing license permit or registry, in lieu of the federal government—that is the idea. I do not, and I do not think that anybody else in this state wants the federal government telling us how to design it.

The idea of having a resolve is that we have directed the Department to go out and tell us what a program will look like, what it will cost, and see what the Feds are going to do. I urge you to support the Majority Report, which was how to be proactive in local control, designating that if and when a saltwater fishing registration comes down the pipe, we will be in charge of the detail, and the money will be dedicated to fisheries in the State of Maine. Thank you so much, and I urge your support of the Majority Ought to Pass as Amended Report.

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. 102

YEA - Adams, Babbidge, Barstow, Beaudette, Beaudoin, Berry, Blanchette, Bliss, Brautigam, Burns, Cain, Canavan, Carter, Casavant, Clark, Cleary, Connor, Conover, Crockett,

Curtis, Dill, Eaton, Eberle, Emery, Faircloth, Farrington, Fischer, Fisher, Gerzofsky, Harlow, Hayes, Hill, Hinck, Hogan, Kaenrath, Lundeen, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, Miller, Mills, Miramant, Norton, Patrick, Pendleton, Peoples, Percy, Pieh, Pilon, Pineau, Pingree, Piotti, Pratt, Priest, Rand, Rector, Richardson D, Rines, Robinson, Samson, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Sutherland, Tardy, Theriault, Treat, Trinward, Tuttle, Valentino, Wagner, Walcott, Watson, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Beaulieu, Browne W, Bryant, Campbell, Cebra, Chase, Cotta, Cray, Crosthwaite, Driscoll, Edgecomb, Finch, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Grose, Hamper, Hanley S, Hotham, Jackson, Jacobsen, Joy, Knight, Lansley, Lewin, McFadden, McKane, McLeod, Millett, Muse, Nass, Pinkham, Plummer, Prescott, Richardson W, Savage, Strang Burgess, Thibodeau, Thomas, Tibbetts, Vaughan, Walker, Weaver.

ABSENT - Berube, Blanchard, Boland, Craven, Cressey, Duchesne, Dunn, Duprey, Greeley, Haskell, Koffman, Moore, Perry, Richardson E, Rosen, Sykes.

Yes, 84; No, 50; Absent, 16; Vacant, 1; Excused, 0.

84 having voted in the affirmative and 50 voted in the negative, 1 vacancy with 16 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-363)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, June 5, 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. 707) (L.D. 932) Resolve, To Study Incentives To Encourage All-terrain Vehicle Registrants To Join Local All-terrain Vehicle Clubs Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-410)**

(H.P. 710) (L.D. 935) Bill "An Act To Continue To Ensure the Long-term Capacity of Municipal Landfills" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-411)**

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 **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Resolve, Directing the Commissioner of Health and Human Services To Implement Representative Payee and Disability Specialists Programs

(H.P. 1148) (L.D. 1639)

Signed:

Senators:

BRANNIGAN of Cumberland

MARRACHÉ of Kennebec

RAYE of Washington

Representatives:

PERRY of Calais

WALCOTT of Lewiston

GROSE of Woolwich

MILLER of Somerville
BEAUDOIN of Biddeford
CONNOR of Kennebunk
WALKER of Lincolnville
LEWIN of Eliot
FINLEY of Skowhegan

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-408)** on same Resolve.

Signed:
Representative:
CAMPBELL of Newfield

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

READ.

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

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Allow the Creation of a School District in Northern Franklin County"

(H.P. 1205) (L.D. 1722)

Signed:
Senators:
BOWMAN of York
MITCHELL of Kennebec
MILLS of Somerset

Representatives:
NORTON of Bangor
FINCH of Fairfield
MAKAS of Lewiston
FARRINGTON of Gorham
HARLOW of Portland
SUTHERLAND of Chapman
MUSE of Fryeburg
STRANG BURGESS of Cumberland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-405)** on same Bill.

Signed:
Representative:
EDGECOMB of Caribou

READ.

On motion of Representative NORTON of Bangor, 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. Men and Women of the House, in reference to Roll Call No. 98 on LD 1718, if I had been present I would have voted nay. In reference

to Roll Call No. 99 on LD 1851, if I had been present I would have voted yea. Thank you.

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 matters, in the consideration of which the House was engaged at the time of adjournment Friday, June 1, 2007, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (H-379)** - Minority (2) **Ought Not to Pass** - Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Establish a Pricing Formula for Liquor Sales and To Adjust Agent Discounts"

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

TABLED - May 31, 2007 (Till Later Today) by Representative PATRICK of Rumford.

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

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

Representative TUTTLE: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This is my bill, LD 1757, "An Act To Establish a Pricing Formula for Liquor Sales and To Adjust Agent Discounts." The bill proposed to establish a pricing formula for liquor sales and to adjust agent discounts. The pricing formula should promote transparency, enhance market predictability, promote fairness, and increase Maine's competitiveness with other states. Agent discounts should increase incrementally, be funded through increased revenues and other sources, and be revenue neutral to the state.

This bill, in its present form, after having communications with Dan Gwadosky, head of the Bureau of Alcohol and Lottery, and other members who are interested in this issue, we are satisfied that the issue is taken care of. This is my bill and it is no longer needed, and I would ask that you kill my bill. Thank you, Mr. Speaker.

On motion of Representative PATRICK of Rumford, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

Expression of Legislative Sentiment Recognizing the Airline Community School in Aurora

(HLS 475)

TABLED - May 24, 2007 (Till Later Today) by Representative TARDY of Newport.

PENDING - **PASSAGE.**

Subsequently, this Expression of Legislative Sentiment was **PASSED** and sent for concurrence.

SENATE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (S-167)** - Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Repeal Term Limits for Legislators"

(S.P. 27) (L.D. 42)

In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-167)**.
 TABLED - June 1, 2007 (Till Later Today) by Representative TARDY of Newport.

PENDING - ACCEPTANCE OF COMMITTEE REPORT.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Tardy.

Representative **TARDY**: Thank you, Mr. Speaker. May I pose a parliamentary inquiry?

The SPEAKER: The Representative from Newport, Representative Tardy, may pose a parliamentary question.

Representative **TARDY**: Thank you, Mr. Speaker. My question is whether the Committee Amendment is germane to the original bill, given that the bill originally seeks to repeal term limits, and the Committee Amendment proposes an extension?

Representative TARDY of Newport asked the Chair to **RULE** if **Committee Amendment "A" (S-167)** was germane to the Bill.

The SPEAKER: The Representative from Newport, Representative Tardy, has posed a germaneness question to the Chair. Chair will deliberate the germaneness and table it until later in today's session. Is that the pleasure of the House?

Subsequently, the Bill was **TABLED** by the Speaker pending a **RULING OF THE CHAIR**.

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

Bill "An Act To Enact the Informed Growth Act"

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

Which was **TABLED** by Representative JOY of Crystal pending **ADOPTION** of **Committee Amendment "A" (H-355)**.

Representative JOY of Crystal **PRESENTED** **House Amendment "A" (H-409)** to **Committee Amendment "A" (H-355)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Crystal, Representative Joy.

Representative **JOY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. If you went back to the original Divided Report, you would find it rather unusual for me to be the one up here presenting an amendment to see about getting this bill passed, because I was on the Ought Not to Pass side. However, I had checked with Maine Municipal to find out if every community in the state had the authority to develop an ordinance similar to this on their own. Of course, that is what we are talking about, is local control. We have a bill coming up disincluded in the budget, which takes away a lot of local control, and I have heard that issue stated many times. Here is an opportunity to bring back to local control, the ability to adopt ordinances.

So many times, some of the larger communities in the state will come to us with a problem, in the form of a legislative bill. Unfortunately, it may have some adverse effects on the rest of the state and yet it becomes law, and then all the other areas of the state that do not have a similar problem suffer the consequences.

This bill actually is a repeat of what we had last year that took many, many hours of debate; it was LD 1481 last year. Basically what it is designed to do, is to prevent without the people's approval of it, the creation of big box stores, stores that have 75,000 square feet and more. The amendment that I have proposed takes away the state mandate, identified in the Committee Amendment, and it removes the \$40,000 application permit fee, and replaces this with authorization for a municipality to access a fee.

Ladies and Gentlemen, if you put \$40,000 in the hands of the State Planning Office to be paid out to a developer for the economic study, then guess what the bids are going to be when they come in for that economic study? They know there is \$40,000 there, which is what your bids are going to be. If every community has the ability to access a fee, they will determine what it is going to cost to have that economic impact study done.

Some of you may remember a former member of this body, Representative Tobin, from Windham. I had the pleasure of serving with Representative Tobin on the Natural Resources Committee, despite his reluctance once he found out that a former member of this body, Representative Martin and Representative Joy, were on the same committee, he went to our leadership and asked to be taken off. However, he persisted and we talked him into staying.

Representative Tobin probably is the most knowledgeable in the state about zoning, community planning, and comprehensive plans. I would say that I know that on many of occasion, there are people from all kinds of communities, all across the state that called and asked his advice. In talking to him on this particular proposal, I asked him where he stood on what I was proposing and he was in favor of it. In fact, he said, "If you know any big box stores that are out there and want to come to Maine, send them to Windham." He is ready for them because they have their zoning in place, they have their community planning in place, and they have their comprehensive plan there. If that is done, he said there is absolutely no problem that a community will have with their development.

Yes, we realize that a lot of the smaller communities do not have their comprehensive plans done, they do not have zoning done; however, this enables them to adopt the Informed Growth Act, and it does not come through as a mandate. Too often we sit down here in Augusta and we pass bills that come out to the communities, they must do this, they must do that. This gives them the option of local control. I think that the Amendment is very well self-explanatory, and Mr. Speaker, when the vote is taken I request the yeas and nays.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT** **House Amendment "A" (H-409)** to **Committee Amendment "A" (H-355)**.

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

Representative BARSTOW of Gorham moved that **House Amendment "A" (H-409)** to **Committee Amendment "A" (H-355)** be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** **House Amendment "A" (H-409)** to **Committee Amendment "A" (H-355)**.

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 Gorham, Representative Barstow.

Representative **BARSTOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is always with great hesitation that I rise in opposition to my good friend from Crystal. At the same time though, at wanting to preserve the work of my Committee, and the multiple work sessions that we had on this bill, and the compromise that I think we did go through, to make sure there were multiple facets of local control with regards to the Informed Growth Act and LD 1810.

First of all, in looking at the Committee Report and the bill, with the information that is provided through the study and with the data that may already exist through previous studies, you will find that half of that is all compiled by a consultant and given to the community that is considering this decision of whether or not

to allow this retailer in to a community. They have the final decision under their planning board criteria.

Further, this morning we accepted an amendment to the bill that Representative Beaudette of Biddeford presented that actually allows for an exemption of communities that already have ordinances in place that do this same thing. Further, if a community did not have an ordinance in place that does this, but wants to cater it for their specific needs in their community, they could still pass the ordinance after this bill was to go forward, and could actually lower the fee, not have a fee, how the fee would be paid for, in order to have this study to go forward. So with the understanding that with the existing bill and the Committee Report, we already have local control in place, I would urge my colleagues to support Indefinite Postponement of this item. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Newcastle, Representative McKane.

Representative **McKANE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As much as I respect and admire my colleague from Crystal, I disagree with this amendment and support this motion.

I want to go back to the prayer this morning from Reverend Donna Lee Muise, and she ended by saying "this awesome place, this wonderful State of Maine," and it is. There is something very special and different about Maine. We know it, we live here. That is why we are here. That is why we come up here: to protect what we have, what is special about Maine. A lot of people do not understand it. People from Florida come up here and go "how do you put up with it?" I mean, this is June outside. It does not really feel like June, but it does not bother us, we still love this state.

This bill, in its current form, in a very small way, will protect what we have that is special about Maine, and Amendment 409 will essentially gut the bill. This bill simply requires the biggest of big developments, retail developments only, to submit and pay for an impact study. An impact study tells what this development is going to do to the infrastructure of the town, to the jobs, to the environment, and it lets those people make an informed decision, a thoughtful decision about the ifs, and the where of this mega retail development. It is the people in a community, not the corporate executives or the out-of-state stockholders, who should make the decision of where, when and if this type of development should be built, because nothing impacts a community more than one of these developments, and there is nothing wrong with these developments. I am going to continue to shop at all of those big box stores, I like going to one of those big box stores once in awhile. But I want to have a say, I want to have an informed say about when and if and where.

I call this a pro business bill and a pro local control bill. A well thought out community is pro business, people want to live there, people want to stay there, and the community grows if it is well thought out. Take a house, for example, which is not well thought out: You have all seen them; you have all been in them. They just do not work well, they are not inviting, they are cold, the new owners sell them fairly quickly, and then the next owners rebuild them until they get something that they want.

Then you have seen those houses that were thought out, that were well designed, and people took some time and thought about how to put it together, it is welcoming, and it is warm, and it stays that way. You can have a neighborhood like that with good planning, you can have a whole community like that, and you can have a state like that with good planning that is more than just the terminus of the giant strip mall that starts in Key West, Florida. I urge you to vote in favor of this motion. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Crystal, Representative Joy.

Representative **JOY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to point out that my amendment is supported by a lot of organizations, and those organizations happen to be pro business organizations: Maine State Chamber of Commerce, Maine Merchants Association, Associated Builders and Contractors, Portland Regional Chamber of Commerce, Maine Real Estate and Development Association, Maine Realtors Association, Associated General Contractors, all support my amendment. Why? Because it gives local control. That is what the proposal that is waiting in the wings to be passed takes away from you. It is also supported by the Maine Service Centers Coalition, and the Maine Municipal Association.

Certainly we are looking for things that make Maine pro business, and yet we want to give the towns the tools that are necessary, not mandate to the towns the tools that are necessary. For example, one of the notices that we have here that says that LD 1810 establishes a predictable and uniform process, established by the state and this legislative body, not established by the people. Ladies and Gentlemen, Maine is a whole series of small communities throughout the state. They should be able to determine their own future.

We talk about preserving the quality of life in Maine. What makes Maine's quality of life is the very fact that we have those small towns, and they have their small institution. If they can adopt this ordinance, which they can right now under their own regulations, then they can control the future of their town. But to have it mandated from down here on the state level, instead of them having an option of deciding for themselves, so I hope you will defeat this motion to Indefinitely Postpone my amendment, and pass the Amendment. Let's make this a real complete bill for the communities of the State of Maine. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-409) to Committee Amendment "A" (H-355). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 103

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

NAY - Annis, Austin, Ayotte, Beaulieu, Browne W, Campbell, Cebra, Chase, Clark, Cleary, Cotta, Cray, Crockett, Crosthwaite, Curtis, Edgecomb, Emery, Finch, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Hamper, Hotham, Jacobsen, Joy, Knight, Lansley, Lewin, McDonough, McFadden, McLeod, Millett, Moore, Muse, Nass, Pinkham, Plummer, Rector, Richardson D, Richardson W, Robinson, Saviello, Silsby, Strang Burgess, Tardy, Thibodeau, Tibbetts, Vaughan, Walker, Weaver.

ABSENT - Berube, Blanchette, Cressey, Duchesne, Duprey, Fischer, Greeley, Hayes, Marean, Perry, Pineau, Prescott, Richardson E, Rosen, Sykes, Thomas.

Yes, 80; No, 54; Absent, 16; Vacant, 1; Excused, 0.

80 having voted in the affirmative and 54 voted in the negative, 1 vacancy with 16 being absent, and accordingly

House Amendment "A" (H-409) to Committee Amendment "A" (H-355) was INDEFINITELY POSTPONED.

Subsequently, **Committee Amendment "A" (H-355) was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-355) and House Amendment "A" (H-383).**

Representative JOY of Crystal moved that the House **RECONSIDER** its action whereby the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-355) and House Amendment "A" (H-383).**

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (H-355) and House Amendment "A" (H-383).**

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 Engrossment. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 104

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

NAY - Austin, Ayotte, Beaulieu, Browne W, Bryant, Campbell, Cebra, Chase, Cotta, Cray, Crockett, Crosthwaite, Curtis, Edgecomb, Emery, Finley, Fitts, Flood, Gifford, Gould, Hamper, Hotham, Jacobsen, Joy, Knight, Lansley, Lewin, McDonough, McFadden, McLeod, Millett, Moore, Muse, Nass, Pinkham, Plummer, Rector, Richardson D, Richardson W, Robinson, Saviello, Silsby, Strang Burgess, Tardy, Thibodeau, Tibbetts, Vaughan, Walker, Weaver.

ABSENT - Berube, Blanchette, Cressey, Duchesne, Duprey, Fischer, Fletcher, Greeley, Hayes, Marean, Percy, Perry, Pineau, Prescott, Richardson E, Rosen, Smith N, Sykes, Thomas.

Yes, 82; No, 49; Absent, 19; Vacant, 1; Excused, 0.

82 having voted in the affirmative and 49 voted in the negative, 1 vacancy with 19 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-355) and House Amendment "A" (H-383).**

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

**ENACTORS
Acts**

An Act To Protect Maine Homeowners from Predatory Lending

(H.P. 1301) (L.D. 1869)
(C. "A" H-354)

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.

CONSENT CALENDAR

First Day

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

(H.P. 193) (L.D. 222) Bill "An Act To Ensure the Integrity of School Crisis Response Plans" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-415)**

(H.P. 264) (L.D. 330) Bill "An Act To Protect the Integrity of Security Deposits" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-420)**

(H.P. 635) (L.D. 836) Bill "An Act To Enhance Special Education" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-417)**

(H.P. 1200) (L.D. 1717) Bill "An Act To Promote Recycling of Cellular Telephones" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-418)**

(H.P. 1321) (L.D. 1889) Bill "An Act To Protect the Lives and Health of Members of the Maine National Guard" (EMERGENCY) Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-419)**

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-404)** on Resolve, To Create a Study Commission To Review and Report on the Possibility of Making All Public School Teachers in Maine Employees of the State

(H.P. 633) (L.D. 834)

Signed:

Senators:

BOWMAN of York
MILLS of Somerset

Representatives:

FINCH of Fairfield
MAKAS of Lewiston
HARLOW of Portland
EDGECOMB of Caribou
McFADDEN of Dennysville
MUSE of Fryeburg

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

Signed:

Senator:

MITCHELL of Kennebec

Representatives:

NORTON of Bangor
FARRINGTON of Gorham
SUTHERLAND of Chapman
STRANG BURGESS of Cumberland

READ.

On motion of Representative NORTON of Bangor, the Minority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Ought to Pass as Amended

Representative FISCHER from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2008 and June 30, 2009" (EMERGENCY)
(H.P. 383) (L.D. 499)

Reporting **Ought to Pass as Amended by Committee Amendment "A" (H-412)**.

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE**. **COMMITTEE AMENDMENT "A" (H-412) READ** by the Clerk.

On motion of Representative PINGREE of North Haven, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-412)** and later today assigned.

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

On motion of Representative CARTER of Bethel, the House adjourned at 5:44 p.m., until 9:00 a.m., Tuesday, June 5, 2007 in honor and lasting tribute to Roger Verrill, of Oquossoc.