

# MAINE STATE LEGISLATURE

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

**Volume II**

**First Regular Session**

June 6, 2007 – June 21, 2007

**Second Regular Session**

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ONE HUNDRED AND TWENTY-THIRD LEGISLATURE  
FIRST REGULAR SESSION  
53rd Legislative Day  
Thursday, June 7, 2007

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

Prayer by Pastor Randall Burns, Military Street Baptist Church, Houlton.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

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

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**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

Cianbro Corporation of Pittsfield and Reed & Reed of Woolwich for winning the 2007 Build Maine Award presented by the Associated Constructors of Maine for their joint construction of the Penobscot Narrows Bridge. Cianbro and Reed & Reed, normally competitors of each other, joined forces for this project and produced one of the modern engineering marvels of our time, which will be used and enjoyed for generations to come. We congratulate Cianbro Corporation and Reed & Reed on their receiving this well-deserved award and we commend them for uniting to produce the Penobscot Narrows Bridge. We wish them well in the future;

(HLS 553)

Presented by Representative AUSTIN of Gray.

Cosponsored by Senator ROSEN of Hancock, Senator BENOIT of Sagadahoc, Senator DAMON of Hancock, Senator MARRACHÉ of Kennebec, Representative ROSEN of Bucksport, Representative FITTS of Pittsfield, Representative MARLEY of Portland, Representative GROSE of Woolwich, Representative MOORE of Standish.

On **OBJECTION** of Representative AUSTIN of Gray, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

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**Recognizing:**

Martin McKeon, of Sanford, who has been nominated for Maine's 2008 Teacher of the Year. Mr. McKeon is a teacher at Sanford High School. He was named 2006-2007 Sanford Teacher of the Year. He is to be commended for his many years of preparing young people for the challenges they will face in college and in the workforce. We extend our congratulations to Mr. McKeon and wish him the best of luck in the Maine Teacher of the Year program selection process;

(HLS 556)

Presented by Representative NASS of Acton.

Cosponsored by Senator COURTNEY of York, Representative TUTTLE of Sanford, Representative BOLAND of Sanford.

On **OBJECTION** of Representative NASS of Acton, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

Representative **NASS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It gives me great pleasure to honor Martin McKeon, who is nominated for Maine Teacher of the Year at Sanford High School. He was named Teacher of the Year for 2006-2007.

Marty has been truly an inspiration to all of his students. He has been able to enthuse and motivate students at all levels. His dedication to teaching serves as a role model for all of his colleagues. Marty has always accepted only excellence, and as we know, you get what you accept. The students were always anxious to get into Marty's classes. I thank Marty for helping our kids on the road to success.

The **SPEAKER**: The Chair recognizes the Representative from Sanford, Representative Boland.

Representative **BOLAND**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to just add my congratulations to Martin McKeon. He has absolutely been a wonderful teacher, and as been said, a great inspiration. His contributions are evident in all sorts of activities at Sanford schools; and he has added so much to the creative economy, I would say, with all of the creative touches that he has brought to his work. I, too, just wanted to thank him for his many years of excellent service to the citizens of Sanford. Thank you.

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

Representative **TUTTLE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would also like to congratulate Marty McKeon. He is married to one of my wife's cousins; and as mentioned in the order, he is to be commended for many years of preparing young people for challenges that they will face in college and the work force. I think that this award and this order are long overdue. Congratulations, Marty.

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

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**REPORTS OF COMMITTEE**

**Ought to Pass Pursuant to Joint Order**

Representative PATRICK for the **Joint Standing Committee on Legal and Veterans Affairs** on Bill "An Act Regarding the Central Voter Registration System" (EMERGENCY)

(H.P. 1358) (L.D. 1921)

Reporting **Ought to Pass** pursuant to Joint Order 2007, H.P. 1329.

Report was **READ**.

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

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**Divided Report**

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Allow a Casino in Oxford County"

(H.P. 1276) (L.D. 1828)

Signed:

Senators:

MARRACHÉ of Kennebec  
PLOWMAN of Penobscot

Representatives:

WEDDELL of Frankfort  
PINKHAM of Lexington Township  
TRINWARD of Waterville  
TUTTLE of Sanford

NASS of Acton  
GOULD of South Berwick  
BLANCHETTE of Bangor

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-446)** on same Bill.

Signed:  
Senator:  
BRYANT of Oxford

Representatives:  
MOORE of Standish  
PATRICK of Rumford  
FITTS of Pittsfield

**READ.**

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

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**CONSENT CALENDAR**

**First Day**

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

(H.P. 406) (L.D. 528) Bill "An Act To Improve the Business Equipment Tax Exemption" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-453)**

(H.P. 793) (L.D. 1075) Bill "An Act To Establish the Maine Local Land Trust Fund" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-452)**

(H.P. 811) (L.D. 1093) Bill "An Act To Exempt Fuels Used in Farm Tractors from the Sales Tax" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-454)**

(H.P. 1032) (L.D. 1470) Bill "An Act To Clarify the Laws Regarding Physicians" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-449)**

(H.P. 1275) (L.D. 1827) Bill "An Act To License Certified Professional Midwives To Promote Greater Public Safety and Access" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-450)**

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

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**CONSENT CALENDAR**

**Second Day**

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

(S.P. 12) (L.D. 2) Bill "An Act To Provide a Tax Credit for the Purchase of a Hybrid or Clean Fuel Vehicle" (C. "A" S-195)

(S.P. 90) (L.D. 253) Bill "An Act To Implement the Recommendations of the Joint Select Committee on Research, Economic Development and the Innovation Economy" (C. "A" S-196)

(S.P. 138) (L.D. 437) Bill "An Act To Address the Reporting of Oil Spills" (C. "A" S-197)

(S.P. 169) (L.D. 514) Bill "An Act To Protect Community Safety by Amending Maine's Bail Code" (C. "A" S-198)

(S.P. 306) (L.D. 955) Bill "An Act To Amend the Employment Practices Law Regarding Substance Abuse Testing of Temporary Workers" (C. "A" S-190)

(S.P. 320) (L.D. 1003) Bill "An Act To Amend the Tax Credit for Biofuel Production" (C. "A" S-182)

(S.P. 371) (L.D. 1119) Bill "An Act To Permit Mental Health Professionals To Disclose Risks to People Likely To Be Harmed by a Patient" (C. "A" S-189)

(S.P. 646) (L.D. 1817) Bill "An Act To Strengthen and Clarify Maine's Motor Vehicle Laws" (C. "A" S-200)

(S.P. 681) (L.D. 1873) Bill "An Act To Amend the Laws Governing Stalking" (C. "A" S-199)

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.

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(S.P. 275) (L.D. 882) Bill "An Act To Create a 5-year Statute of Limitations for Environmental Violations" (C. "A" S-202)

On motion of Representative AYOTTE of Caswell, was **REMOVED** from the Second Day Consent Calendar.

The Unanimous Committee Report was **READ**.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Unanimous Committee Report.

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

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

**ROLL CALL NO. 122**

YEA - Annis, Austin, Ayotte, Babbidge, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Blanchette, Bliss, Boland, Browne W, Burns, Cain, Campbell, Canavan, Carter, Casavant, Cebra, Chase, Clark, Cleary, Connor, Conover, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Edgecomb, Emery, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Gould, Greeley, Grose, Hamper, Hanley S, Harlow, Hayes, Hill, Hinck, Hogan, Jackson, Jacobsen, Joy, Kaenrath, Knight, Koffman, Lansley, Lundeen, MacDonald, Marean, Marley, McDonough, McFadden, McKane, McLeod, Miller, Millett, Mills, Miramant, Muse, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pilon, Pineau, Pingree, Pinkham, Piotti, Plummer, Pratt, 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, Watson, Weaver, Webster, Weddell, Woodbury, Mr. Speaker.

NAY - NONE.

ABSENT - Adams, Barstow, Brautigam, Bryant, Cressey, Duprey, Haskell, Hotham, Lewin, Makas, Mazurek, Moore, Pieh, Richardson E, Thibodeau, Wheeler.

Yes, 134; No, 0; Absent, 16; Vacant, 1; Excused, 0.

134 having voted in the affirmative and 0 voted in the negative, 1 vacancy with 16 being absent, and accordingly Unanimous Committee Report was **ACCEPTED**.

The Bill was **READ ONCE. Committee Amendment "A" (S-202)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Monday, June 11, 2007.

**BILLS IN THE SECOND READING**

**Senate as Amended**

Bill "An Act To Protect Network Neutrality"

(S.P. 580) (L.D. 1675)  
(C. "A" S-192)

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.

Bill "An Act To Base Value in Eminent Domain Takings of Businesses on Going Concern Value"

(H.P. 720) (L.D. 960)  
(C. "A" H-434)

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

On motion of Representative SIMPSON of Auburn, was **SET ASIDE**.

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

**ENACTORS**

**Emergency Measure**

An Act To Amend Certain Laws Affecting Transportation

(S.P. 270) (L.D. 860)  
(C. "A" S-177)

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 Promote County-based Economic and Community Development

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

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.

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.

An Act To Improve Road Safety and Update Bicycling Laws

(S.P. 643) (L.D. 1808)  
(C. "A" S-166)

**TABLED** - June 5, 2007 (Till Later Today) by Representative FAIRCLOTH of Bangor.

**PENDING - PASSAGE TO BE ENACTED.**

On motion of Representative MILLS of Farmington, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-166)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-447)** to **Committee Amendment "A" (S-166)** which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Farmington, Representative Mills.

Representative **MILLS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This modest Amendment hopes to improve what otherwise is a perfectly good bill, a bill that aims to protect bicyclists on our roadways. The one provision that I move to strike in this Amendment is the provision of Section 10 that makes it an offense, a civil violation, to operate a bicycle on a public way while under the influence of intoxicants or while having a blood-alcohol level of 0.08% or more. The original Committee Amendment, it references Title 29-A, section 2401. My issue with this bill is severalfold, and with this particular Amendment is severalfold.

In 1980, we enacted the very first in the nation, per se, OUI law for motorists on our roadways; it was a very controversial piece of legislation. It was enacted only after several years of extensive study, in-state and out-of-state, by the National Traffic Safety Board and people within in the state; and it aimed to reduce deaths on our highway, and it has done a great deal, moved a great deal in that direction.

The provisions of Title 29-A, however, do not easily transfer onto bicycle laws, and I am concerned that the provisions of this Section 10 may cause some unintended consequences. I am concerned about how a person may measure blood alcohol level of 0.08; whether or not the police officers will have bicycleblocks instead of roadblocks; whether or not this provision might result in an infringement of our liberties that is untoward and not warranted by the evidence before the Committee.

I am not clear at all that there was testimony that drunk bicycle driving is an issue in our society, nor have I ever heard it come to my attention in my five years of knocking on doors and talking to my constituents. No one has ever said to me, "Janet, go down to Augusta and stop those drunks on bicycles," for instance; so, I am concerned that this might result in police actions which are unnecessary. We have given the police a lot to do this year: We enacted a seatbelt law; we strengthened the OUI laws in other areas, OUIs in motor vehicles; and we have given the police a lot to do in detective work in investigating sex offenses of various natures. I hesitate to give them more to do by investigating drunk bicyclists, so I ask that you support this Amendment, which simply removes Section 10 of the bill, of the Committee Amendment, and nothing further. Thank you very much.

Subsequently, **House Amendment "A" (H-447)** to **Committee Amendment "A" (S-166)** was **ADOPTED**

Representative MCKANE of Newcastle **PRESENTED House Amendment "B" (H-448)** to **Committee Amendment "A" (S-166)**, which was **READ** by the Clerk.

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 came to us in an amended form, we just amended it again. I have yet another Amendment in hopes to purty up this barnyard animal—frankly, I do not think there is enough lipstick in Wal-Mart to make this bill what it should be—but it is a lot better now than it was in

its original form, and I think this Amendment will make it a little bit more realistic: It simply reduces that distance from three feet to two feet that you need when you pass.

When you think about it, you are not going to be out there with your tape measure looking at three feet. You are going to say, "I better go four, five, or six feet to make sure I am three feet," and that puts you in the other lane and maybe in the ditch in some of the roads in my district. I just think that is a common sense reduction, two feet is plenty of length. It also removes the monetary fine for any biking crimes that you may commit. Thank you, Mr. Speaker.

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 would like to rise in opposition to this Amendment.

First of all, please keep in mind that this was a unanimous Committee Report, and I do not rise in opposition to the previous one. I personally did not support it, I had enough people come approach me, but this one, I have grave concerns about, and I am going to ask you to not support, because I believe that it creates a very unsafe condition. This is one of those issues, I think, we all—when it's the bill that you have had before you in Committee, you have heard the hours of testimony, you heard the personal stories, so that does not make sense. By going to a two foot margin, you are putting people at risk. It is that simple.

We had people, we had this one gentleman who came in and had cuts and bruises, and was lucky to have lived. After that testimony, it was amazing how many people in my district, who I knew, who I did not necessarily even know were bicyclists, contact me and talked about near misses and actual accidents that they had.

What the bill currently does is that by law vehicles must pass at a safe distance. This proposal that we are asking to remove, and I oppose, the proposal we had talked about was simply to clarify the existing law by giving clear guidance to the driver. The idea is basically to help the driver and the bicyclist share the road and share it safely. We actually put in another piece that gave drivers that ability to cross the double yellow line when it is safe to do so, so they could give that extra ability and be safe as a motorist, as well as to the bicyclist.

I hope you will defeat this motion. It is a very good bill; I appreciate the good Representative with her earlier Amendment saying that. I hope you will support the unanimous Committee vote—and I will stop sputtering for a moment there, but I will not whistle—but I hope you will defeat this Amendment and support the bill. Thank you.

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

Representative **BROWNE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am speaking against this current Amendment. This bill was designed to help improve the safety for bicyclists, and also to kind of define what the bicyclists' rights are, part of the problem the Bicycle Coalition needs to address. Bicyclists are supposed to ride to the far right. You want to give them a safe distance. I am not too sure if you are going along at 30-35 mph, you are going to be able to distinguish between two feet and three feet anyway. It ought to be just a safe distance.

Again, this proposal is to simply clarify the existing laws, making it safer for the cyclists. So again, I have no problems about earlier Amendments, but I think this one here really kind of defeats the majority opinion of the Transportation Committee. Thank you.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Cleary.

Representative **CLEARY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I want to thank you again, Mr. Speaker, for allowing us to come in today at 1 pm. That allowed me to ride my bike this morning, and I had a very enjoyable ride with Representative Dunn. I will tell you that I am also rising in opposition to this Amendment. I represent a number of citizens in my district, which is in Aroostook County. We have many rural roads. They have contacted me, many of them, in support of this bill, and many of them are cyclists.

I am an avid bicyclist. I am involved in the MS 150 Charity Ride, and this Saturday I will ride a century ride for a local school. We have many wonderful areas where we can bicycle in Maine. It has been the tradition and the common practice that the three-foot rule would be applicable. The law before you would simply codify that situation. This Amendment would essentially gut that bill.

I testified before the Transportation Committee, and I detailed some situations where I have been struck by side view mirrors, forced out in a ditch, felt the draft from large vehicles as they go by. The three-foot rule is a very good rule that should not be amended here. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Simpson.

Representative **SIMPSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am a co-sponsor of this bill, and rise to speak in opposition to this Amendment. First, Mr. Speaker, I request a roll call.

Representative **SIMPSON** of Auburn **REQUESTED** a roll call on the motion to **ADOPT House Amendment "B" (H-448) to Committee Amendment "A" (S-166)**.

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 Auburn, Representative Simpson.

Representative **SIMPSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to let people know about the Helmet Provision in this bill: If you are caught twice without a helmet, first you get warning; and then the second time you get this \$25 fine, which you can go out and purchase a helmet, show the receipt, and then the fine is waived. So, this is for the safety of young people.

On the day of the public hearing, when I was on my way to bring my son to school before I came up to testify in favor of the bill, we passed a young man riding his bicyclist. I said, "Where is that boy's bicycle helmet?" My son said, "Well, Mom, it is not the law." I said, Yes, it is the law." He said, "I thought that was Mom's law." I said, "No, it is the state law."

I think something that we can do to enforce the law, to help young people to protect their brains while they are developing, is important. When I was a child, I went into the house to answer the phone one day, and when I came out my best friend who lived across the street was riding my bicycle.

The SPEAKER: The Chair recognizes the Representative from Newcastle, Representative McKane, and inquires why he would rise at this time.

Representative **McKANE**: Point of Order, Mr. Speaker.

The SPEAKER: Please proceed.

Representative **McKANE**: This Amendment is just about making the distance that you have to go around a car a little bit less, and about removing the monetary fine. It has nothing to do with helmets.

On **POINT OF ORDER**, Representative McKANE of Newcastle asked the Chair to **RULE** if the remarks of

Representative SIMPSON of Auburn were germane to the pending question.

The SPEAKER: The Chair will read the Summary of the Amendment: "This amendment reduces from 3 feet to 2 feet the minimum distance a motorist must leave between the motorist's vehicle and a bicycle the motorist is passing. This amendment also strikes the changes proposed in the bill and Committee Amendment "A" to the penalty for failure to wear a helmet while riding a bicycle, which has the effect of retaining the provisions in current law, which does not provide for a monetary penalty."

The Chair would rule that the Representative is within the bounds to discuss this. Please proceed.

Representative **SIMPSON**: Thank you, Mr. Speaker. The only point I was going to make was that she took her hands off the wheel, she hit her head on the curb, and she spent three days in the hospital with a concussion. Helmets save people from head injuries. Thank you, Mr. Speaker.

Subsequently, the chair **RULED** that the remarks of Representative SIMPSON of Auburn were germane to the pending question.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "B" (H-448) to Committee Amendment "A" (S-166) . All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 123**

YEA - Cotta, Fitts, Hamper, Hanley S, Joy, Lansley, McDonough, McFadden, McKane, Savage, Saviello, Walker.

NAY - Adams, Annis, Austin, Ayotte, Babbidge, Beaudette, Beaudoin, Beaulieu, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Chase, Clark, Cleary, Connor, Conover, Craven, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Edgecomb, Emery, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fletcher, Flood, Gerzofsky, Gifford, Giles, Gould, Greeley, Grose, Harlow, Hayes, Hill, Hinck, Hogan, Jackson, Jacobsen, Kaenrath, Knight, Koffman, Lundeen, MacDonald, Marean, Marley, McLeod, Miller, Mills, Miramant, Muse, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pilon, Pingree, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rand, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thomas, Tibbetts, Treat, Trinward, Tuttle, Valentino, Wagner, Walcott, Watson, Weaver, Webster, Weddell, Wheeler, Mr. Speaker.

ABSENT - Barstow, Berube, Cebra, Cressey, Duprey, Haskell, Hotham, Lewin, Makas, Mazurek, Millett, Moore, Pieh, Pineau, Richardson E, Thibodeau, Vaughan, Woodbury.

Yes, 12; No, 120; Absent, 18; Vacant, 1; Excused, 0.

12 having voted in the affirmative and 120 voted in the negative, 1 vacancy with 18 being absent, and accordingly **House Amendment "B" (H-448) to Committee Amendment "A" (S-166) FAILED ADOPTION.**

**Committee Amendment "A" (S-166) as Amended by House Amendment "A" (H-447) thereto was ADOPTED.**

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-166) as Amended by House Amendment "A" (H-447) thereto in NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

**SENATE PAPERS**

The following Joint Order: (S.P. 728)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Monday, June 11, 2007. The House will convene at 9:00 and the Senate at 10:00 in the morning.

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

**CONSENT CALENDAR**

**First Day**

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

(H.P. 1160) (L.D. 1651) Bill "An Act To Permit the Use of Surety Bonds in Lieu of Security Deposits" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass**

(H.P. 982) (L.D. 1390) Bill "An Act Related to Special Purpose Reinsurance Vehicles" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-456)**

(H.P. 1187) (L.D. 1704) Bill "An Act To Make Changes in the Laws Regarding Raffles" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-457)**

(H.P. 1264) (L.D. 1812) Resolve, Regarding the Role of Local Regions in Maine's Emerging Public Health Infrastructure (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-458)**

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

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

(S.P. 325) (L.D. 1008) Bill "An Act To Improve the Legislative Ethics Laws" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-228)**

(S.P. 567) (L.D. 1623) Bill "An Act To Create the Board of Speech-language Pathology, Audiology and Hearing Aid Dealing and Fitting" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-227)**

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

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-451) on Bill "An Act To Amend the Licensing of Landscape Architects"**

(H.P. 1249) (L.D. 1787)

Signed:

Senator:

BROMLEY of Cumberland

Representatives:

BEAULIEU of Auburn

SAMSON of Auburn

AUSTIN of Gray

MacDONALD of Boothbay  
SILSBY of Augusta  
SMITH of Monmouth  
RECTOR of Thomaston  
BEAUDETTE of Biddeford  
CLEARY of Houlton  
PRESCOTT of Topsham

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

Signed:

Senators:

SCHNEIDER of Penobscot  
COURTNEY of York

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-451)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Monday, June 11, 2007.

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**Ought to Pass as Amended**

Report of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Concerning Certain Flavored Cigarettes and Cigars"

(S.P. 475) (L.D. 1361)

Reporting **Ought to Pass as Amended by Committee Amendment "A" (S-180)**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-180) AS AMENDED BY SENATE AMENDMENT "A" (S-230)** thereto.

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE**. **Committee Amendment "A" (S-180)** **READ** by the Clerk. **Senate Amendment "A" (S-230)** to **Committee Amendment "A" (S-180)** **READ** by the Clerk and **ADOPTED**. **Committee Amendment "A" (S-180)** as Amended by **Senate Amendment "A" (S-230)** thereto **ADOPTED**. The Bill was assigned for **SECOND READING** Monday, June 11, 2007.

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**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act Concerning the Natural Resources Protection Laws and Related Provisions" (EMERGENCY)

(H.P. 1039) (L.D. 1477)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-388)** in the House on June 4, 2007.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-388) AS AMENDED BY SENATE AMENDMENT "A" (S-224)** thereto in **NON-CONCURRENCE**.

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

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**Non-Concurrent Matter**

Bill "An Act To Calculate the Livable Wage and Measure the Bureaucratic Costs To Subsidize Workers Paid Less Than a Livable Wage"

(H.P. 1014) (L.D. 1445)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-394)** in the House on June 4, 2007.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-394) AS AMENDED BY SENATE AMENDMENT "A" (S-215)** thereto in **NON-CONCURRENCE**.

On motion of Representative TUTTLE of Sanford, the House voted to **RECEDE AND CONCUR**.

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**CONSENT CALENDAR**

**First Day**

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

(H.P. 511) (L.D. 662) Resolve, To Assist Veterans in Need of Shelter Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-459)**

(H.P. 757) (L.D. 1039) Bill "An Act Regarding the Determination of the Predominant Aggressor in Domestic Violence Situations" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-461)**

(H.P. 999) (L.D. 1425) Bill "An Act To Facilitate the Reporting of the Crime of Acquiring Drugs by Deception" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-462)**

(H.P. 1011) (L.D. 1442) Bill "An Act To Increase Quality Physical Education for Elementary School Students" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-460)**

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

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

Representative PRATT: I do apologize, I know that everyone likes to get out of here, but I just have to do this.

If I had been present on Roll Call No. 90, LD 320, I would have voted yes; Roll Call No. 91, LD 555, I would have voted yes; Roll Call No. 92, LD 1658, I would have voted yes; Roll Call No. 93, LD 1851, I would have voted yes; Roll Call No. 94, LD 1851, I would have voted yes; Roll Call No. 95, LD 454, I would have voted yes; Roll Call No. 96, LD 1721, I would have voted no; and Roll Call No. 99, LD 1851, I would have voted yes. Thank you and I do apologize.

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

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On motion of Representative PEOPLES of Westbrook, the House adjourned at 2:47 p.m., until 9:00 a.m., Monday, June 11, 2007 pursuant to the Joint Order (S.P. 728).