

# 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**

January 2, 2008 - March 31, 2008

Pages 682-1357

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE  
FIRST REGULAR SESSION  
54th Legislative Day  
Monday, June 11, 2007

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

Prayer by Reverend David Wood, American Baptist Churches of Maine (affiliate).

National Anthem by Brandy Duprey, Hampden.

Pledge of Allegiance.

The Journal of Thursday, June 7, 2007 was read and approved.

**COMMUNICATIONS**

The Following Communication: (H.C. 341)

**STATE OF MAINE**

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

June 6, 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 bill out "Ought Not to Pass":

L.D. 1449      An Act To Provide Outreach and Training on  
Dementia-related Protocols for Law  
Enforcement Officers

We have also notified the sponsor and cosponsors 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: (S.C. 382)

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

June 6, 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 accepted Report "B" Ought Not to Pass from the Committee on Inland Fisheries and Wildlife on Bill "An Act To Create a 10-chance Moose Hunting Permit Application for Residents" (H.P. 12) (L.D. 11)

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

**READ and ORDERED PLACED ON FILE.**

**PETITIONS, BILLS AND RESOLVES REQUIRING  
REFERENCE**

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell Interest in a Certain Parcel of Land (H.P. 1360) (L.D. 1922)

Sponsored by Representative CARTER of Bethel.

Cosponsored by Senator GOOLEY of Franklin and Representative: Speaker CUMMINGS of Portland.

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

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

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

Sent for concurrence.

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

**ORDERS**

On motion of Representative MIRAMANT of Camden, the following Joint Resolution: (H.P. 1359) (Cosponsored by President EDMONDS of Cumberland and Representatives: ADAMS of Portland, ANNIS of Dover-Foxcroft, AUSTIN of Gray, AYOTTE of Caswell, BABBIDGE of Kennebunk, BARSTOW of Gorham, BEAUDETTE of Biddeford, BEAUDOIN of Biddeford, BEAULIEU of Auburn, BERRY of Bowdoinham, BLANCHARD of Old Town, BLISS of South Portland, BOLAND of Sanford, BRAUTIGAM of Falmouth, BURNS of Berwick, CANAVAN of Waterville, CARTER of Bethel, CASAVANT of Biddeford, CEBRA of Naples, CHASE of Wells, CLARK of Millinocket, CLEARY of Houlton, CONNOR of Kennebunk, COTTA of China, CRAVEN of Lewiston, CRAY of Palmyra, 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, FAIRCLOTH of Bangor, FINCH of Fairfield, FISHER of Brewer, FITTS of Pittsfield, FLETCHER of Winslow, GERZOFSKY of Brunswick, GIFFORD of Lincoln, GILES of Belfast, GOULD of South Berwick, GROSE of Woolwich, HAMPER of Oxford, HANLEY of Gardiner, HARLOW of Portland, HASKELL of Portland, HAYES of Buckfield, HILL of York, HOGAN of Old Orchard Beach, JACKSON of Allagash, KOFFMAN of Bar Harbor, MacDONALD of Boothbay, MAREAN of Hollis, MARLEY of Portland, MAZUREK of Rockland, McDONOUGH of Scarborough, McFADDEN of Dennysville, McLEOD of Lee, MILLER of Somerville, MILLS of Farmington, MOORE of Standish, MUSE of Fryeburg, NORTON of Bangor, PATRICK of Rumford, PERCY of Phippsburg, PIEH of Bremen, PILON of Saco, PINGREE of North Haven, PRATT of Eddington, PRESCOTT of Topsham, RAND of Portland, RECTOR of Thomaston, RICHARDSON of Warren, RINES of Wiscasset, 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, TARDY of Newport, THERIAULT of Madawaska, THIBODEAU of Winterport, TREAT of Farmingdale, TRINWARD of Waterville, TUTTLE of Sanford, VALENTINO of Saco, VAUGHAN of Durham, WAGNER of Lewiston, WALCOTT of Lewiston, WALKER of Lincolnville, 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, BROMLEY of

Cumberland, BRYANT of Oxford, COURTNEY of York, DAMON of Hancock, DOW of Lincoln, HOBBS of York, MARRACHÉ of Kennebec, MARTIN of Aroostook, MITCHELL of Kennebec, NUTTING of Androscoggin, PERRY of Penobscot, PLOWMAN of Penobscot, ROTUNDO of Androscoggin, SAVAGE of Knox, SCHNEIDER of Penobscot, SHERMAN of Aroostook, SNOWE-MELLO 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 TO MEMORIALIZE THE FEDERAL AVIATION ADMINISTRATION AND THE UNITED STATES CONGRESS TO OPPOSE CERTAIN FEDERAL AVIATION LEGISLATION**

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 United States Department of Transportation, Federal Aviation Administration and the United States Congress as follows:

WHEREAS, because the State of Maine's geography has many isolated communities with limited highway and road access, general aviation is a major component of its transportation and travel system; and

WHEREAS, the people of Maine depend on general aviation to move and distribute mail, supplies, goods and people around the State; and

WHEREAS, H.R. 1356 and S. 1076 are companion federal bills proposing the Next Generation Air Transportation System Financing Reform Act of 2007 and are pending before the United States Congress; and

WHEREAS, the proposed Act would increase the tax on aviation gas from 19.4¢ a gallon to 70¢ a gallon and the tax on aviation fuel from 21.9¢ a gallon to 70¢ a gallon; and

WHEREAS, the proposed Act would also implement user fees associated with the use of the National Airspace System; and

WHEREAS, the Next Generation Air Transportation System Financing Reform Act of 2007 proposes to remove congressional oversight of the Federal Aviation Administration; and

WHEREAS, such an increase in taxes, implementation of user fees and reduction of airport funding could possibly be a huge safety issue, and Maine is currently one of the safest states in air traffic; and

WHEREAS, such an increase in taxes, implementation of user fees and reduction of airport funding would be detrimental to the economy of this State and would have a particularly harsh impact on many isolated rural communities; now, therefore, be it

RESOLVED: That We, your Memorialists, on behalf of the people we represent, take this opportunity to respectfully oppose the enactment of the provisions in the Next Generation Air Transportation System Financing Reform Act of 2007 that impose user fees, increase aviation fuel and aviation gas taxes, reduce airport funding and reduce congressional oversight of the Federal Aviation Administration and to respectfully request that this Act not be passed; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the United States Department of Transportation, Federal Aviation Administration, to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

**READ.**

The SPEAKER: The Chair recognizes the Representative from Camden, Representative Miramant.

Representative MIRAMANT: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. You have already

heard this quite a bit; I chased you around the halls. I feel it is very important, and I wanted to pass this on to the Congress. They seem to be overlooking the fact that a 50¢ gallon increase in aviation fuel will devastate businesses that are already struggling with \$5 a gallon aviation fuel, that a user fee will add another fee as a tax that we do not need on our businesses, that have had a tough time over the years as aviation insurance has quadrupled, fuel has at least doubled, and our facilities are dwindling.

I would like to thank you for your support in signing on as many of you have, and I would like to send this message to the Congress that this is not the way to address aviation financing. We already have a great mechanism in place, it has been working well, we have plenty of money to fund the aviation system into the future, and we should continue on that path and ignore the special interests that are whispering in their ears. We will help to send a different message. Thank you very much.

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

Sent for concurrence.

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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:**

Anthony Loring, a member of the Deering High School Debate Team, of Portland, who qualified for the National Forensic League National Tournament to be held in Wichita, Kansas in June 2007. Anthony, under the guidance of coach Kathryn Toppan, will be representing the team and Maine in the Lincoln-Douglas Debate, a value-based debate form that requires a 40-minute debate with one other individual. We extend our congratulations to Anthony on qualifying for the nationals and wish him luck in Kansas;

(HLS 563)

Presented by Representative HASKELL 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 HARLOW of Portland, Representative HINCK of Portland, Representative ADAMS of Portland, Representative RAND of Portland.

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

**READ** and **PASSED** and sent for concurrence.

**Recognizing:**

William Day, a member of the Deering High School Debate Team, of Portland, who qualified for the National Forensic League National Tournament to be held in Wichita, Kansas in June 2007. William, under the guidance of coach Kathryn Toppan, will be representing the team and Maine in the International Extemporaneous Speaking event, which requires each speaker to prepare a 7-minute speech in 30 minutes and then deliver the speech without the use of any written materials. We extend our congratulations to William on qualifying for the nationals and wish him luck in Kansas;

(HLS 564)

Presented by Representative HASKELL 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 HARLOW of Portland, Representative HINCK of Portland, Representative ADAMS of Portland, Representative RAND of Portland.

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

**READ.**

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Haskell.

Representative **HASKELL**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise today with great pleasure to introduce to you two sterling, recent winners of this amazing debate project. Both of these gentlemen are going to be going to Kansas at the end of this week to participate in the Nationals.

Anthony, as you heard, participated in that traditional Lincoln-Douglas Debate format; and William, who had been practicing in that format after Anthony won, switched over and moved on to the extemporaneous speech format and was able, in that category, to qualify for the National Tournament, which I think is really amazing. If you can imagine given 30 minutes to prepare a seven-minute speech and deliver it without notes and take a national award, it is pretty amazing, as well as the very technical Lincoln-Douglas Debate rules. It is with great pleasure that I am delighted here today to have both William Day and Anthony Loring, and their coach Kathryn Toppan with us. Thank you.

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

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act To Prohibit the Use of a Handheld Cellular Telephone while Operating a Motor Vehicle"

(H.P. 106) (L.D. 114)

Signed:

Senators:

DAMON of Hancock  
DIAMOND of Cumberland  
SAVAGE of Knox

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-464)** on same Bill.

Signed:

Representatives:

MARLEY of Portland  
MAZUREK of Rockland

**READ.**

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

**CONSENT CALENDAR**

**First Day**

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

(H.P. 130) (L.D. 148) Bill "An Act To Provide Fairness in Concealed Weapon Reciprocity Agreements" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-478)**

(H.P. 233) (L.D. 289) Bill "An Act To Revise the Definition of Service Dog" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-472)**

(H.P. 348) (L.D. 449) Bill "An Act To Support and Create Creative Economy Businesses" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-473)**

(H.P. 360) (L.D. 461) Bill "An Act To Implement the Recommendations of the Human Trafficking Task Force" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-488)**

(H.P. 882) (L.D. 1240) Bill "An Act To Implement the Recommendations of the Criminal Law Advisory Commission" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-479)**

(H.P. 1062) (L.D. 1537) Resolve, To Improve Access to MaineCare Home Health Services Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-484)**

(H.P. 1197) (L.D. 1714) Resolve, To Expand the Maine Registry of Certified Nursing Assistants Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-485)**

(H.P. 1227) (L.D. 1761) Bill "An Act To Amend the Election Laws" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-489)**

(H.P. 1248) (L.D. 1786) Bill "An Act To Reduce the Spread of Infectious Disease through Shared Hypodermic Apparatuses" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-486)**

(H.P. 1296) (L.D. 1860) Bill "An Act To Implement the Recommendations of the Task Force To Engage Maine's Youth Regarding Successful School Completion" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-474)**

(H.P. 1298) (L.D. 1862) Bill "An Act Regarding Fairness for Families Regarding Workers' Compensation Coverage" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-475)**

(H.P. 1335) (L.D. 1901) Bill "An Act To Establish the Education Bill of Rights for Deaf and Hard-of-hearing Children" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-468)**

(H.P. 1336) (L.D. 1902) Bill "An Act To Bring Maine into Compliance with Federal Law Regarding Purchases of Firearms by Persons Found To Be a Danger to Themselves or Others" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-480)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Papers were **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

**CONSENT CALENDAR  
Second Day**

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

(S.P. 325) (L.D. 1008) Bill "An Act To Improve the Legislative Ethics Laws" (C. "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" (C. "A" S-227)

(H.P. 1160) (L.D. 1651) Bill "An Act To Permit the Use of Surety Bonds in Lieu of Security Deposits"

(H.P. 406) (L.D. 528) Bill "An Act To Improve the Business Equipment Tax Exemption" (C. "A" H-453)

(H.P. 511) (L.D. 662) Resolve, To Assist Veterans in Need of Shelter (C. "A" H-459)

(H.P. 757) (L.D. 1039) Bill "An Act Regarding the Determination of the Predominant Aggressor in Domestic Violence Situations" (C. "A" H-461)

(H.P. 793) (L.D. 1075) Bill "An Act To Establish the Maine Local Land Trust Fund" (C. "A" H-452)

(H.P. 811) (L.D. 1093) Bill "An Act To Exempt Fuels Used in Farm Tractors from the Sales Tax" (C. "A" H-454)

(H.P. 982) (L.D. 1390) Bill "An Act Related to Special Purpose Reinsurance Vehicles" (C. "A" H-456)

(H.P. 999) (L.D. 1425) Bill "An Act To Facilitate the Reporting of the Crime of Acquiring Drugs by Deception" (C. "A" H-462)

(H.P. 1011) (L.D. 1442) Bill "An Act To Increase Quality Physical Education for Elementary School Students" (C. "A" H-460)

(H.P. 1032) (L.D. 1470) Bill "An Act To Clarify the Laws Regarding Physicians" (C. "A" H-449)

(H.P. 1187) (L.D. 1704) Bill "An Act To Make Changes in the Laws Regarding Raffles" (C. "A" H-457)

(H.P. 1264) (L.D. 1812) Resolve, Regarding the Role of Local Regions in Maine's Emerging Public Health Infrastructure (EMERGENCY) (C. "A" H-458)

(H.P. 1275) (L.D. 1827) Bill "An Act To License Certified Professional Midwives To Promote Greater Public Safety and Access" (C. "A" H-450)

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

**BILLS IN THE SECOND READING  
Senate as Amended**

Bill "An Act To Create a 5-year Statute of Limitations for Environmental Violations"

(S.P. 275) (L.D. 882)  
(C. "A" S-202)

**House as Amended**

Bill "An Act To Amend the Licensing of Landscape Architects"

(H.P. 1249) (L.D. 1787)  
(C. "A" H-451)

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 as Amended** and sent for concurrence.

Bill "An Act Concerning Certain Flavored Cigarettes and Cigars"

(S.P. 475) (L.D. 1361)  
(S. "A" S-230 to C. "A" S-180)

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.

**ENACTORS  
Emergency Measure**

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)

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

**Acts**

An Act To Require the Collection of DNA from Persons Who Committed Felonies Prior to 1996 Who Then Reoffend by Committing Offenses for Which They Would Not Otherwise Have To Submit to a DNA Test

(H.P. 334) (L.D. 418)  
(C. "A" H-368)

An Act Concerning Maine's Highway Safety Laws

(H.P. 1284) (L.D. 1844)  
(H. "A" H-333)

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 Examine Issues Related to Distracted Driving

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

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:

**CONSENT CALENDAR  
First Day**

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

(H.P. 131) (L.D. 149) Bill "An Act To Take into Account the Crime Committed That Facilitated a Sexual Assault" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-508)**

(H.P. 212) (L.D. 256) Bill "An Act To Provide Leave to a Spouse in the Case of Death of or Injury to a Member of the Armed Forces" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-502)**

(H.P. 427) (L.D. 549) Bill "An Act To Fund the Purchase of Maine State Retirement System Time by Certain Veterans" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-500)**

(H.P. 437) (L.D. 559) Bill "An Act Regarding the Valuation of Land within Buffer Areas Established under the Natural Resources Protection Laws" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-505)**

(H.P. 596) (L.D. 780) Bill "An Act To Enhance Redevelopment of Mill Buildings" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-499)**

(H.P. 770) (L.D. 1052) Bill "An Act To Extend Eligibility for the Trade-in Credit to All Trailers" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-497)**

(H.P. 773) (L.D. 1055) Bill "An Act To Establish the Hearing Assistance Program for Low-income Persons Who Are Elderly or Disabled" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-501)**

(H.P. 935) (L.D. 1327) Bill "An Act To Amend Survivors' Benefits under the Workers' Compensation Laws" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-504)**

(H.P. 969) (L.D. 1377) Bill "An Act To Exempt Fuel Used by Commercial Groundfishing Boats from Sales Tax" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-498)**

(H.P. 1005) (L.D. 1431) Bill "An Act To Provide for the Protection of Communities That Host a Solid Waste Disposal Facility or Incineration Facility" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-493)**

(H.P. 1128) (L.D. 1606) Bill "An Act To Direct Fines Collected on Tribal Lands to the Passamaquoddy Tribe and the Penobscot Nation" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-491)**

(H.P. 1220) (L.D. 1737) Bill "An Act To Amend the Conservation Easement Laws" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-490)**

(H.P. 1272) (L.D. 1824) Bill "An Act To Declare a Moratorium on the Sale and Installation of High-emissions Outdoor Wood Boilers That Do Not Meet the Current Federal Environmental Protection Agency Standards for Wood Stoves" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-494)**

(H.P. 1317) (L.D. 1884) Bill "An Act To Create the Competitiveness Training Fund and Improve Maine Employment Security Programs" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-503)**

(H.P. 1319) (L.D. 1885) Bill "An Act To Repeal Inactive Boards and Commissions" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-496)**

(H.P. 1325) (L.D. 1893) Bill "An Act To Create Jobs through the Establishment of a Fund To Enhance Maine's Marine Resource Economy" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-492)**

(H.P. 1340) (L.D. 1906) Bill "An Act To Clarify the Authority of Municipal Boards and Committees" (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-495)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Papers were **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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

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## REPORTS OF COMMITTEE

### Divided Reports

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-470)** on Bill "An Act To Provide Health Care Insurance to Volunteer Public Safety Personnel"

(H.P. 686) (L.D. 911)

Signed:

Senators:

SULLIVAN of York

SNOWE-MELLO of Androscoggin

BOWMAN of York

Representatives:

BRAUTIGAM of Falmouth

CANAVAN of Waterville

CROCKETT of Augusta

VAUGHAN of Durham

TREAT of Farmingdale

RICHARDSON of Warren

SAVAGE of Falmouth

CONOVER of Oakland

PRIEST of Brunswick

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

Signed:

Representative:

McKANE of Newcastle

### READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-470)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-470)** and sent for concurrence.

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Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-476)** on Bill "An Act To Amend the Labor Laws Regarding Automobile Dealerships"

(H.P. 913) (L.D. 1295)

Signed:

Senators:

STRIMLING of Cumberland  
SULLIVAN of York  
DOW of Lincoln

Representatives:

TUTTLE of Sanford  
CLARK of Millinocket  
THOMAS of Ripley  
HASKELL of Portland  
CRESSEY of Cornish  
DUPREY of Hampden  
SYKES of Harrison  
DRISCOLL of Westbrook

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-477)** on same Bill.

Signed:

Representatives:

JACKSON of Allagash  
BURNS of Berwick

**READ.**

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

On motion of Representative PINGREE of North Haven, **TABLED** pending the motion of Representative CLARK of Millinocket to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

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Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-482)** on Bill "An Act To Prevent Overcharging for Prescription Drug Copayments"

(H.P. 607) (L.D. 807)

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  
CAMPBELL of Newfield  
FINLEY of Skowhegan

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

Signed:

Representative:

LEWIN of Eliot

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-482)** Report.

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-482)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-482)** and sent for concurrence. **ORDERED SENT FORTHWITH**.

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Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Prevent Infant Exposure to Harmful Hormone-disrupting Substances"

(H.P. 636) (L.D. 837)

Signed:

Senators:

BRANNIGAN of Cumberland  
MARRACHÉ of Kennebec  
RAYE of Washington

Representatives:

PERRY of Calais  
WALCOTT of Lewiston  
GROSE of Woolwich  
BEAUDOIN of Biddeford  
CONNOR of Kennebunk  
WALKER of Lincolnville  
CAMPBELL of Newfield  
LEWIN of Eliot  
FINLEY of Skowhegan

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-483)** on same Bill.

Signed:

Representative:

MILLER of Somerville

**READ.**

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

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Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-481)** on Bill "An Act To Prohibit Inappropriate Software Advertising of Prescription Drugs"

(H.P. 1009) (L.D. 1440)

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  
CAMPBELL of Newfield  
FINLEY of Skowhegan

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

Signed:  
Representative:  
LEWIN of Eliot

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-481)** Report.

**READ.**

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

The Bill was **READ ONCE. Committee Amendment "A" (H-481)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-481)** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-487)** on Resolve, Directing the Department of Transportation and the Maine Turnpike Authority To Conduct a Study of Possible Western Connector Roads to Municipal Centers in Cumberland and York Counties

(H.P. 1203) (L.D. 1720)

Signed:  
Senators:  
DIAMOND of Cumberland  
SAVAGE of Knox

Representatives:  
MARLEY of Portland  
BROWNE of Vassalboro  
MAZUREK of Rockland  
HOGAN of Old Orchard Beach  
ROSEN of Bucksport  
PEOPLES of Westbrook

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

Signed:  
Senator:  
DAMON of Hancock

Representatives:  
FISHER of Brewer  
THOMAS of Ripley  
CEBRA of Naples  
THERIAULT of Madawaska

**READ.**

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

The Resolve was **READ ONCE. Committee Amendment "A" (H-487)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules, the Resolve was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-487)** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Clarify That Certain Separately Itemized Charges Are Subject to the Sales Tax on the Rental of Motor Vehicles"

(H.P. 1154) (L.D. 1645)

Signed:  
Senator:  
NASS of York

Representatives:  
PIOTTI of Unity  
KNIGHT of Livermore Falls  
WOODBURY of Yarmouth  
HOTHAM of Dixfield  
CHASE of Wells  
PILON of Saco

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-510)** on same Bill.

Signed:  
Senators:  
PERRY of Penobscot  
STRIMLING of Cumberland

Representatives:  
RAND of Portland  
CLARK of Millinocket  
WATSON of Bath  
LANSLEY of Sabattus

**READ.**

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

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Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-507)** on Bill "An Act To Increase the Number of Androscoggin County Commissioners"

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

Signed:  
Senator:  
BENOIT of Sagadahoc

Representatives:  
BARSTOW of Gorham  
BOLAND of Sanford  
WEAVER of York  
BEAUDETTE of Biddeford  
SIROIS of Turner  
CURTIS of Madison  
JOY of Crystal

COTTA of China

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

Signed:

Senators:

SCHNEIDER of Penobscot  
BRANNIGAN of Cumberland

Representatives:

HAYES of Buckfield  
SCHATZ of Blue Hill

**READ.**

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

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

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Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-506)** on Bill "An Act To Amend the Term Limitation Laws for State Legislators"

(H.P. 1075) (L.D. 1550)

Signed:

Senators:

SCHNEIDER of Penobscot  
BENOIT of Sagadahoc

Representatives:

BARSTOW of Gorham  
WEAVER of York  
BEAUDETTE of Biddeford  
SIROIS of Turner  
CURTIS of Madison  
JOY of Crystal  
SCHATZ of Blue Hill

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

Signed:

Senator:

BRANNIGAN of Cumberland

Representatives:

BOLAND of Sanford  
HAYES of Buckfield  
COTTA of China

**READ.**

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

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Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-509)** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Increase the Length of Legislative Terms to 4 Years

(H.P. 1078) (L.D. 1553)

Signed:

Senators:

SCHNEIDER of Penobscot  
BENOIT of Sagadahoc

Representatives:

BARSTOW of Gorham  
WEAVER of York  
SIROIS of Turner  
CURTIS of Madison  
JOY of Crystal  
SCHATZ of Blue Hill

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

Signed:

Senator:

BRANNIGAN of Cumberland

Representatives:

BOLAND of Sanford  
BEAUDETTE of Biddeford  
HAYES of Buckfield  
COTTA of China

**READ.**

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

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

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

HOUSE DIVIDED REPORT - Majority (12) **Ought Not to Pass** - Minority (1) **Ought to Pass as Amended by Committee Amendment "A" (H-483)** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Prevent Infant Exposure to Harmful Hormone-disrupting Substances"

(H.P. 636) (L.D. 837)

Which was **TABLED** by Representative MILLER of Somerville pending **ACCEPTANCE** of either Report.

Representative MILLER of Somerville moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Hinck.

Representative **HINCK**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to speak to the Minority Report if that is appropriate at this time.

The SPEAKER: The Chair would ask the member to defer. It is not appropriate at this time. The Representative may speak in objection to the movement of the Representative from Somerville, Representative Miller, and the movement of the Ought Not to Pass Report.

Representative **HINCK**: Thank you Mr. Speaker. I have an objection to the motion on the floor.

The SPEAKER: The Representative may proceed.

Representative **HINCK**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It would be appropriate for the Legislature of the State of Maine to take action on the chemicals at issue. In other words, to vote Ought to Pass on the Amendment that was put forward, and Ought Not to Pass on the motion on the floor.

The issue is hormone-disrupting chemicals. Laboratory studies show that the chemicals called phthalates used in the

manufacture of plastics mimic and interfere with human hormones and create the potential for problems with normal growth and development. The reason is that the body naturally makes hormones, which are chemical messengers, which are involved in practically every aspect of the bodily function, and particularly at key developmental stages for infants.

The particular products at issue are plasticizers and unfortunately have been used in infant products, along with many other products. They are recognized as hormone-disrupting chemicals. The plasticizers, the phthalates, are added to plastic to make them pliable, so they are found in teething rings, pacifiers, even the nipples of baby bottles. These chemicals are not bound to the plastic, but can be sucked out of the plastic by a baby and have been demonstrated to do that. What we do know is that the chemicals themselves are hormone mimickers: they act like hormones and are recognized like hormones in the human body, they can actually come out of the product and expose the baby to these chemicals. What we do not know for sure is that those exposures are leading to specific harms at this time.

The motion would be appropriate as an Ought Not to Pass vote for those people who think that we should take a precautionary approach when dealing with Maine infants. It is recognized that no other state has done that; however, an entire continent has. The European Union, starting in 1997, has restricted these products, and last year made the ban on these products permanent. Phthalates are not in infant toys, infant products, in the European Union. That covers 450 million people, an economy as sophisticated, as successful as our own. The fact that it has not been acted on here is unfortunate. Maine has an opportunity to do it for the first time. Regardless, we should keep an eye on these chemicals, the hormone-disrupting chemicals, and evaluate them and take appropriate action, particularly to protect the infants of Maine. Thank you very much.

The Chair ordered a division on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative JACKSON of Allagash **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.

On motion of Representative FAIRCLOTH of Bangor, **TABLED** pending the motion of Representative MILLER of Somerville to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned. (Roll Call Ordered)

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The following item was 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 Thursday, June 7, 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 pursuant to the Maine Revised Statutes, Title 5, section 3327, subsection 4** - Minority (2) **Ought Not to Pass pursuant to the Maine Revised Statutes, Title 5, section 3327, subsection 4** - Committee on **UTILITIES AND ENERGY** on Bill "An Act To Stimulate Demand for Renewable Energy"

(H.P. 1356) (L.D. 1920)

**TABLED** - June 6, 2007 (Till Later Today) by Representative BLISS of South Portland.

**PENDING** - Motion of same Representative to **ACCEPT** the Majority **UGHT TO PASS pursuant to the Maine Revised Statutes, Title 5, section 3327, subsection 4** Report.

Subsequently, the Majority **Ought to Pass pursuant to the Maine Revised Statutes, Title 5, section 3327, subsection 4** Report was **ACCEPTED**.

The Bill was **READ ONCE**.

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Representative PIEH of Bremen **PRESENTED House Amendment "A" (H-516)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative **PIEH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I present this amendment to a bill around utilities and electricity generation, but it really does come from agriculture because it is about cow power: One cow will give you enough very green stuff to power a person. So, it is one cow equals one person, and when we were looking through it, we realized that this was not completely, clearly defined under the green power supply, so it is now written to include anaerobic digesters, and I think that you probably all know what that means. Thank you.

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

Representative **BLISS**: Thank you Mr. Speaker. Mr. Speaker, this bill was a Committee bill. It was created out of whole cloth by the Committee on Utilities and Energy, and I certainly have no objection to the floor amendment; I think that it absolutely makes sense.

This is a bill—we had previously determined that we would increase our renewable status in the state; this is a bill that is designed to give us a roadmap to how to get to that point, and to also emphasize to the people of Maine, the value of green power. I think that the floor amendment absolutely makes sense. What I am doing in rising is using this opportunity to acknowledge, unfortunately in his absence, the hard work that the Representative from Winslow did in crafting this legislation and helping us make sure that it did make sense, so I am really just using this as an opportunity for that purpose. But the amendment does make sense and ought to be included.

Subsequently, **House Amendment "A" (H-516)** was **ADOPTED**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-516)** and sent for concurrence. **ORDERED SENT FORTHWITH**.

---

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

HOUSE DIVIDED REPORT - Majority (12) **Ought Not to Pass** - Minority (1) **Ought to Pass as Amended by Committee Amendment "A" (H-483)** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Prevent Infant Exposure to Harmful Hormone-disrupting Substances"

(H.P. 636) (L.D. 837)

Which was **TABLED** by Representative FAIRCLOTH of Bangor pending the motion of Representative MILLER of Somerville to **ACCEPT** the Majority **Ought Not to Pass** Report. (Roll Call Ordered)

Subsequently, Representative JACKSON of Allagash **WITHDREW** his **REQUEST** for a roll call.

Subsequently, 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:

**UNFINISHED BUSINESS**

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, June 7, 2007, 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 Encourage Manufacturing by Expanding Pine Tree Development Zones"

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

TABLED - May 31, 2007 (Till Later Today) by Representative PINGREE of North Haven.

**PENDING - PASSAGE TO BE ENGROSSED.**

On motion of Representative SMITH of Monmouth, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-330)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-467)** to **Committee Amendment "A" (H-330)** which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Monmouth, Representative Smith.

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Those of you, who serve on the BRED Committee with me, or are in my caucus, will remember discussions where I made it clear that I was opposed to the original bill, LD 719. Basically looking at the limited resources that we have for economic development, I did not feel that this was the best investment; however, we are in a different place today.

The bill was passed with strong support here in the House, and then was also folded into the budget. The original bill has been funded and is done. Given that, I am presenting my first ever, floor amendment. The amendment lowers the thresholds, and I believe improves the bill, by allowing access to the tax incentives for smaller, Maine based businesses.

The original bill required an investment of \$2 million and the creation of 20 new jobs. This amendment lowers those thresholds to an investment of \$200,000 and the creation of 5 new jobs. I believe, again, that this makes for better policy, given that LD 719 is now done and in the budget. I would ask for your support on this amendment and request a roll call.

Representative SMITH of Monmouth **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-467)** to **Committee Amendment "A" (H-330)**.

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 Adoption of House Amendment "A" (H-467) to Committee Amendment "A" (H-330). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 124**

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Bliss, Boland, Brautigam, Browne W, Bryant, Cain, Campbell, Canavan, Carter, Casavant, Cebra, Chase, Clark, Cleary, Connor, Conover, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Edgcomb, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Gould, Greeley, Grose, Hanley S, Harlow, Haskell, Hayes, Hill, Hogan, Hotham, Jackson,

Jacobsen, Joy, Kaenrath, Knight, Koffman, Lewin, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, McFadden, McLeod, Miller, Millett, Mills, Miramant, Muse, Nass, Patrick, Pendleton, Peoples, Percy, Pieh, Pilon, Pingree, Pinkham, Plummer, Pratt, Prescott, Priest, Rand, Rector, Richardson D, Rines, Robinson, Rosen, Samson, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Treat, Trinward, Valentino, Vaughan, Wagner, Walcott, Walker, Watson, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Hinck.

**ABSENT** - Blanchette, Burns, Cressey, Duprey, Emery, Hamper, Lansley, Lundeen, McKane, Moore, Norton, Perry, Pineau, Piotti, Richardson E, Richardson W, Tuttle.

Yes, 132; No, 1; Absent, 17; Vacant, 1; Excused, 0.

132 having voted in the affirmative and 1 voted in the negative, 1 vacancy with 17 being absent, and accordingly **House Amendment "A" (H-467)** to **Committee Amendment "A" (H-330)** was **ADOPTED**.

**Committee Amendment "A" (H-330)** as Amended by **House Amendment "A" (H-467)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-330)** as Amended by **House Amendment "A" (H-467)** thereto and sent for concurrence. **ORDERED SENT FORTHWITH**.

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)

TABLED - June 7, 2007 (Till Later Today) by Representative SIMPSON of Auburn.

**PENDING - PASSAGE TO BE ENGROSSED.**

On motion of Representative GILES of Belfast, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-434)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-471)** to **Committee Amendment "A" (H-434)** which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Belfast, Representative Giles.

Representative **GILES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am offering Amendment "A", the new amendment, to provide some clarification to LD 960, a bill which was passed in this Chamber last week. As I offer it, this being my first bill, I am also offering my first amendment. I know many of you, whether you have been a first-term legislator or are a first-term legislator, working with bills is an education for all of us, so I thank you for your patience on this.

As written, LD 960 includes a municipal mandate. In the eminent domain taking, the sense that I had was never to put an unfunded mandate on our municipalities. When I introduced LD 960, I was focused on the concern that I had with takings of businesses, a whole business, not just a portion of the property, by the state. I am not with this amendment, trying to create an inconsistency; rather I am trying to provide some provision that will provide a stronger bill. Keep in mind that municipalities will still be governed under current state law in other eminent domain takings.

This bill, if you recall, gives a business owner the opportunity to request an appraisal, known as a going concern value

appraisal, which they pay for in the event that they feel current law does not compensate them properly for the lost of their business. As I mentioned last week, a location can be so critical to a business' success. If a municipality still wishes to take a portion of commercial real estate and this bill is not used, then they would still compensate a business appropriately.

This amendment will do two things: It is going to remove the municipal mandate, as I have just explained. It will also, the Municipal Mandate paragraph if you will that I missed, also had a provision in it that I want to retain, and it is that any business, for them to use this option if they seek to, must be in business and have been at that location for at least three years. So, the three-year provision will remain in the bill, but the municipal mandate will come out.

Again, the bill will still leave the burden on the business owner. They need to pay for this appraisal, they need to request this option, legislation that has been passed before remains in effect, and this just gives that other option. So, with that I encourage people to vote on this amendment. Thank you.

Representative PINGREE of North Haven **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-471) to Committee Amendment "A" (H-434)**.

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 Farmington, Representative Mills.

Representative MILLS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. When this bill came before the Committee, I do not recall there being any decision about stripping the municipalities out of the proposal. Rather, I think that if the amendment passes, it might result in a discriminatory effect, whereby if a business were fortunately located on a state highway, they might receive the benefit of higher damages through goodwill compensation; wherein the same kind of business might be located on purely local highway, they would not receive that benefit. For that reason I would oppose the amendment, and I urge you to vote against it.

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 support what the good Representative just mentioned, as far as the double standard if you will. I understand the policy decision here. Once again, as the Transportation Chair, I also have a concern about the money piece and the hit to the Highway Fund; however, I think we talked about in the floor debate last week, the small businesses and the impact that an eminent domain piece has on them, and I think that you can see that much more in the municipality.

Additionally within our caucus, we had a discussion, and one member asked a question which could not really be answered, which would be a municipality, could they take a property through eminent domain and then pass to the Department of Transportation? That made me think of Morrel's Corner in my district, where there is a very large project going forward. The Department is looking at doing some investment there. If this came forward, would the city simply take it as an eminent domain and pass along to the Department. We are creating an unintended back door here. If you support the policy, I believe that you have to vote down this amendment and support the bill as originally intended. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative PIEH: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I, too, rise in opposition to the

pending amendment for a couple of reasons: One is the double standard. Another is, we just two years ago enacted legislation that was to address the issues that this bill is, once again, trying to do, and I think that we need to give it a chance to do its job. The real reason for me though is that this close to a million dollar hit on the Highway table. I do not know about you, but my car is costing me a lot of money to drive here everyday on our roads, and I do not want that compromised, I do not want the repair to the infrastructure of our highways, close to \$250 per average vehicle repair in our state, because our roads are in bad shape. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Giles.

Representative GILES: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just want to address within that. Again, I understand that there is a fiscal note on the bill, and as I explained last week, my concern with it is, to me, the fiscal note is why you should support this legislation, because it is showing that we are under compensating businesses in this state; and I again, I just offer this as an option. Not every business may choose to use it, but it does give another option for us to treat our businesses a little bit more fairly. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-471) to Committee Amendment "A" (H-434). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 125**

YEA - Annis, Austin, Ayotte, Beaulieu, Berube, Browne W, Campbell, Cebra, Chase, Clark, Cleary, Cotta, Cray, Crosthwaite, Edgecomb, Emery, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Hamper, Hayes, Hill, Hotham, Jacobsen, Joy, Knight, Lewin, Marean, McDonough, McFadden, McLeod, Millett, Muse, Nass, Pinkham, Plummer, Prescott, Rector, Richardson D, Robinson, Rosen, Savage, Saviello, Schatz, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Vaughan, Walker, Weaver, Woodbury.

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

ABSENT - Blanchette, Burns, Cressey, Duprey, Gerzofsky, Lansley, Lundeen, McKane, Moore, Norton, Perry, Pineau, Piotti, Richardson E, Richardson W, Tuttle.

Yes, 59; No, 75; Absent, 16; Vacant, 1; Excused, 0.

59 having voted in the affirmative and 75 voted in the negative, 1 vacancy with 16 being absent, and accordingly **House Amendment "A" (H-471) to Committee Amendment "A" (H-434) FAILED ADOPTION.**

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-434)** and sent for concurrence.

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

**HOUSE DIVIDED REPORT - Majority (8) Ought to Pass as Amended by Committee Amendment "A" (H-509) - Minority (5)**

**Ought Not to Pass** - Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Increase the Length of Legislative Terms to 4 Years

(H.P. 1078) (L.D. 1553)

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

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

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

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

#### ROLL CALL NO. 126

**YEA** - Annis, Austin, Ayotte, Barstow, Blanchard, Bliss, Browne W, Bryant, Campbell, Carter, Clark, Connor, Conover, Craven, Crockett, Dill, Eaton, Eberle, Faircloth, Finley, Flood, Gerzofsky, Greeley, Harlow, Hill, Hinck, Hotham, Jackson, Joy, Knight, Koffman, Makas, Marley, Mazurek, Miller, Miramant, Patrick, Peoples, Pieh, Pinkham, Plummer, Pratt, Rines, Samson, Savage, Schatz, Silsby, Sirois, Strang Burgess, Sutherland, Theriault, Valentino, Vaughan, Wheeler, Woodbury, Mr. Speaker.

**NAY** - Adams, Babbidge, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Boland, Brautigam, Cain, Canavan, Casavant, Cebra, Chase, Cleary, Cotta, Cray, Crosthwaite, Curtis, Driscoll, Duchesne, Dunn, Edgecomb, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Gifford, Giles, Gould, Grose, Hamper, Hanley S, Haskell, Hayes, Hogan, Jacobsen, Kaenrath, Lewin, MacDonald, Marean, McDonough, McFadden, McLeod, Millett, Mills, Muse, Nass, Pendleton, Percy, Pilon, Pingree, Prescott, Priest, Rand, Rector, Richardson D, Robinson, Rosen, Saviello, Smith N, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Treat, Trinward, Wagner, Walcott, Walker, Watson, Weaver, Webster, Weddell.

**ABSENT** - Blanchette, Burns, Cressey, Duprey, Emery, Lansley, Lundeen, McKane, Moore, Norton, Perry, Pineau, Piotti, Richardson E, Richardson W, Simpson, Tuttle.

Yes, 56; No, 77; Absent, 17; Vacant, 1; Excused, 0.

56 having voted in the affirmative and 77 voted in the negative, 1 vacancy with 17 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **NOT ACCEPTED**.

Subsequently, Representative **BARSTOW** of Gorham moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

Representative **JACKSON** of Allagash **REQUESTED** a roll call on the motion to **ACCEPT** Minority **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 Allagash, Representative Jackson.

Representative **JACKSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think that this is a good bill myself. I know that in my area, a lot of times constituents are always coming up to me telling me they do not like the fact that we are running every two years. For all of the volunteers that have to get out there and help out and put up yard signs, it is a lot of time. People do not like the fact that the signs are along the roads all the time, every two years. I think that if we were to vote this motion down and go back to the original bill, I think it is better government actually.

I think that the way things, in my opinion, work now, the first year of session you can get things done, the second year a lot of time people are worried about what their voting record is going to be, and I would like anyone to call me a liar on that. Under this proposal, you would only have that problem one time: in the fourth year of the eight years. That would be the only time, well it would not be the only time I imagine, but it would be the time people would be the most concerned about their voting record going back out to the voters. Now I am not saying that it is not a good idea to be conscience of your voting record or anything like that, but sometimes you need the political courage to vote a certain way, even though you think your constituents might not support that. The times that I have been here, the five years that I have been here, we have talked about tax reform, tax reform, tax reform, and in my opinion, if you do not get it in the first session, you will never get it because in the second year no one wants to vote for that.

This is a cost saving measure to the state. I think it is a couple of million dollars that we would not have in Clean Election costs. I think it is going to actually bring more people in to vote, running for office. I know for myself, it is really, despite what the good Representative from Brunswick said, it is really hard for a guy like me every year and a half to get out there and go banging on doors. Now, I do that throughout the entire part of my term, go to all of the suppers and things like that that I can make, and I have no problem going out doing door-to-door, everyone in my district knows that is the biggest part of my whole campaign. But what happens is I get to work the summer of the first year, and then the next year, I have to quit my job so I can go out and do the doors, and there is no other way for me to do that in a district that large. So, I actually think that people who have that same problem, we would have more people like that who would be able to run. I am not saying more people like me, but more people that have a hard time with their employment. I think that it is a great idea, and I think that you should vote this down, and let's go back to the original bill and see if we can give that another shot.

The **SPEAKER**: The Chair recognizes the Representative from Bath, Representative Watson.

Representative **WATSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Those of us who are unfortunate enough to practice law know the old adage that if law school were four years rather than three; there would be half as many lawyers—that is really what we are facing here.

Four-year legislative terms work in professional Legislatures, where all of us have no other life than this place. Many of us can barely afford two-year terms. Four-year terms would, frankly, terrify me. The problem, if we have one, with legislative terms is not the length of the two years or four years, the problem is term limits. I am going to support the motion to accept the Minority **Ought Not to Pass** Report. We do not need to mess around with the length of years we serve here until we solve the term limit problem. Thank you.

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

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

The **SPEAKER**: The Representative may pose his question.

Representative **JOY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Do we have a dollar amount that it cost for the Clean Election during this past session?

The **SPEAKER**: The Representative from Crystal, Representative Joy, has posed a question to any member that might choose to answer.

The Chair recognizes the Representative from Allagash, Representative Jackson.

Representative **JACKSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is really not my place because I do not serve on this committee, but two years ago, I had this exact bill in. At that time, it was a little over a million and a half dollars that we'd save if we went to four-year terms, so I think that is certainly an important part.

The **SPEAKER**: The Chair recognizes the Representative from Saco, Representative Valentino.

Representative **VALENTINO**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This actually was my bill and I realize that it is probably going down, but just to put a few things on the record that I wanted to say on this.

One of the main reasons that I put in this proposed legislation for four-year terms is because of the undue influence, I feel that we have here in this state. I feel that I hear this every day. Normally, we hear this in our second session, for those of you who are freshmen. You will hear it from your leaders, you will hear it from you seatmates, you will hear it from people on bills that we need to do a certain way on a vote, that we have certain people in elections. I have already heard it this year. I have already heard it on many votes that we have a few people in this area that we have to protect, we have to protect this, we have to show for the record here, we have to get a roll call on here to show that we are strong on something, or that one side of the aisle is weak on something else. We hear it all of the time. You second session, for those of you who are new, are going to realize this when it comes up next year, that there is going to be a lot of pressure on you to do things or not to do things because it is an election year. Some of your colleagues and some of your seatmates are vulnerable, and we need to help those people out, we need to get things on the record.

I also put it in because I think the undue influence for the lobbyists, and for the PAC money that we have coming in. That for every two years we have people coming in, whether it is on leadership PACs or individual PACs, and the money that is being raised; granted, this is going to save over \$2.3 million over four-year term for the Clean Elections on it, but I think that bigger savings is not raising the money every two years that we have. We talk about trying to do something to clean up the leadership PACs, the PAC money, and everything. Going to a four-year term, to me, is the number one way to do it.

Also, we talk about all of the time in the newspapers, it is about the amount of bills that we have before us: 2,500 bills that are being submitted all of the time, and repeat bills all of the time. This would be a way for efficiency; also, to have one bill every four years instead of debating a lot of these bills every two years. As Representative Jackson just said, he had this bill in two years ago. We already debated it. If it had been a four-year term, we talk about something once every four years. Probably half of the bills that were submitted this term were submitted, also, two years ago, when we talked about them. We keep talking about the same things.

The other thing is that I also feel that it is very good policy to do it for four-year terms. We just passed a major school consolidation act the other day. None of us are going to be sure that we are going to be here to see the implementation of that. None of us will see the fruits of our labor or the spoils of what we have done. We are looking at a tax reform package here. Long before anybody sees a saving on their income tax, they are going to be hit with that additional one percent tax on meals and lodging, or an additional tax. Why not stay and actually see our work being implemented, whether it is good or whether it is bad? We pass a law and then we are out of here in two years, because

we are worried about the next election, or we just want to have a feel good thing about it. Let's have some real, true grit, I think, in the Legislature, and pass long-term, long-reaching plans. Let's minimize the amount of bills. Let's take the money out of the elections, and let's take the politics out every two year, or whether or not we want to vote on a bill or not vote on a bill because we are afraid of our own election or somebody else's election, and I think that four-year terms would allow us to do this. I know it is going down, but I want to put that on the record. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Gray, Representative Austin.

Representative **AUSTIN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have to agree with the previous two speakers, and I would like to add a slant of my own. I believe that if we had four years to serve our good folks from home, that we would actually have an opportunity to serve them better. Many of us set out with goals as we started on this journey. Unfortunately, what we soon found was that we had about a year and three months to accomplish some of those goals. The last nine months of the two years, really is distracted with the attention to the campaign. Many of us want to do things and initiate things back home that will take seed and be there lasting long after we are done our position. It just is not possible. The time is too concentrated on the first year of the session, the second year becomes really a part of the campaign, so I would suggest that you give that some thought in terms of what you set as your own goals, and vote for the extended term. Thank you, Ladies and Gentlemen of the House.

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

#### ROLL CALL NO. 127

YEA - Adams, Babbidge, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Boland, Brautigam, Cain, Campbell, Canavan, Carter, Cebra, Chase, Clark, Cleary, Cotta, Cray, Crosthwaite, Curtis, Driscoll, Duchesne, Dunn, Emery, Farrington, Finch, Fischer, Fisher, Fitts, Fletcher, Gerzofsky, Gifford, Giles, Grose, Hanley S, Haskell, Hayes, Hotham, Jacobsen, Kaenrath, Koffman, Marean, McDonough, McFadden, McLeod, Millett, Mills, Muse, Nass, Pendleton, Peoples, Pilon, Pingree, Piotti, Priest, Rand, Rector, Richardson D, Robinson, Saviello, Simpson, Smith N, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Treat, Trinward, Tuttle, Wagner, Walcott, Walker, Watson, Weaver, Webster, Weddell.

NAY - Annis, Austin, Ayotte, Barstow, Blanchard, Bliss, Browne W, Bryant, Casavant, Connor, Conover, Craven, Crockett, Dill, Eaton, Eberle, Edgcomb, Faircloth, Finley, Flood, Gould, Greeley, Hamper, Harlow, Hill, Hinck, Hogan, Jackson, Joy, Knight, Lewin, MacDonald, Makas, Marley, Mazurek, Miller, Miramant, Norton, Patrick, Percy, Pieh, Pinkham, Plummer, Pratt, Prescott, Rines, Rosen, Samson, Savage, Schatz, Silsby, Sirois, Strang Burgess, Sutherland, Theriault, Valentino, Vaughan, Wheeler, Woodbury, Mr. Speaker.

ABSENT - Blanchette, Burns, Cressey, Duprey, Lansley, Lundeen, McKane, Moore, Perry, Pineau, Richardson E, Richardson W.

Yes, 78; No, 60; Absent, 12; Vacant, 1; Excused, 0.

78 having voted in the affirmative and 60 voted in the negative, 1 vacancy with 12 being absent, and accordingly the Minority **Ought Not to Pass Report was ACCEPTED** and sent for concurrence.

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

**HOUSE DIVIDED REPORT - Majority (9) Ought to Pass as Amended by Committee Amendment "A" (H-506) - Minority (4) Ought Not to Pass - Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act To Amend the Term Limitation Laws for State Legislators"**

(H.P. 1075) (L.D. 1550)

Which was **TABLED** by Representative BARSTOW of Gorham pending **ACCEPTANCE** of either Report and later today assigned.

Subsequently, on motion of Representative BARSTOW of Gorham, the **Minority 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. 322) (L.D. 1005) Bill "An Act To Amend the Tax Laws Concerning Certain Motor Vehicle Dealership Transactions" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-233)**

(S.P. 356) (L.D. 1104) Bill "An Act To Amend Certain Provisions of Fish and Wildlife Law" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-234)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED as Amended** in concurrence.

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-232)** on Bill "An Act To Exempt from the Income Tax Military Pay of Maine Residents Who Are Members of the Armed Services Stationed outside of the State Earned while on Active Duty"

(S.P. 74) (L.D. 236)

Signed:

Senators:

STRIMLING of Cumberland  
NASS of York

Representatives:

KNIGHT of Livermore Falls  
CLARK of Millinocket  
WOODBURY of Yarmouth  
HOTHAM of Dixfield  
CHASE of Wells  
LANSLEY of Sabattus

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

Signed:

Senator:

PERRY of Penobscot

Representatives:

PIOTTI of Unity  
WATSON of Bath  
PILON of Saco  
RAND of Portland

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-232).**

**READ.**

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

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

**ENACTORS**

**Emergency Measure**

An Act To Protect the Lives and Health of Members of the Maine National Guard

(H.P. 1321) (L.D. 1889)  
(C. "A" H-419)

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

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

Representative **SIMPSON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I do not normally speak on unanimous reports on Enactment, but this is "An Act To Protect the Lives and Health of Members of the Maine National Guard." This bill was brought to us as a result of the untimely and tragic death of Captain Patrick Damon last summer in Afghanistan. His mother has worked tirelessly on this bill, and for those of you who did not have the opportunity to serve in the Legislature when Pat was on the staff, I think this is a fitting tribute to his love of the State of Maine and its commitment to its people.

As we pass this bill, I hope that we can remember that we are doing something to help other members of the National Guard, to ensure that their health is not threatened by the vaccinations and other procedures that they may have to encounter during their time of service. So, I certainly do not oppose the pending motion, but I want us to all just take a moment to think about Patrick Damon and the contribution that he has made to the State of Maine, and he continues to make through the passage of this LD. 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, too, think it is a fitting tribute to Pat Damon. I served with him in the 133rd Engineers, and he was a very good friend of mine. I think that by passage of this bill, his spirit will live on, and it will help other people, other guardsmen who are serving now.

Again, I have to thank his mother for bringing it before us, and for all of the sponsors and everything. Pat's memory will be with me as long as I live, but it is a fitting tribute to help other guardsmen; and my friend Patrick: You are with us today; rest in peace.

Representative **PIEH** of Bremen **REQUESTED** a roll call on **PASSAGE TO BE ENACTED.**



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

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

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

**ROLL CALL NO. 128**

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Blanchard, Bliss, Boland, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Cebra, Chase, Clark, Cleary, Connor, Craven, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Edgecomb, Faircloth, Finch, Finley, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Gould, Grose, Hamper, Hanley S, Harlow, Haskell, Hayes, Hinck, Hotham, Jackson, Jacobsen, Joy, Kaenrath, Knight, Koffman, Lewin, MacDonald, Marean, Marley, Mazurek, McDonough, McFadden, McLeod, Miller, Millett, Mills, Miramant, Muse, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Pieh, Pilon, Pingree, 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, Thibodeau, Thomas, Tibbetts, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Walcott, Walker, Watson, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - NONE.

ABSENT - Berube, Blanchette, Conover, Cotta, Cressey, Duprey, Emery, Farrington, Fischer, Greeley, Hill, Hogan, Lansley, Lundeen, Makas, McKane, Moore, Perry, Pineau, Pinkham, Richardson E.

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.

**CONSENT CALENDAR**

**First Day**

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

(H.P. 1186) (L.D. 1703) Bill "An Act To Regulate Presettlement Lawsuit Funding" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-511)**

(H.P. 1337) (L.D. 1903) Bill "An Act To Implement the Recommendations of the Working Group Studying Mold in Buildings" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-514)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Papers were **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act To Improve Road Safety and Update Bicycling Laws"

(S.P. 643) (L.D. 1808)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-166) AS AMENDED BY HOUSE AMENDMENT "A" (H-447)** thereto in the House on June 7, 2007.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-166)** in **NON-CONCURRENCE**.

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

**ENACTORS**

**Emergency Measure**

An Act To Protect the Scenic Value of the Kennebec River  
(S.P. 531) (L.D. 1508)  
(H. "A" H-422 to C. "A" S-147)

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. 113 voted in favor of the same and 15 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

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

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

**Emergency Measure**

Resolve, To Conduct an Independent Review of the Department of Marine Resources, Public Health Division  
(H.P. 926) (L.D. 1318)  
(S. "A" S-193 to C. "A" H-326)

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. 124 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 Designate May 1st of Each Year as Cold War Victory Day  
(H.P. 103) (L.D. 111)  
(C. "C" H-334)

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

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

An Act To Clarify the Tax-exempt Status of Ornamental Horticulture

	(H.P. 260) (L.D. 325) (C. "A" H-406)	(H.P. 887) (L.D. 1259) (C. "A" H-372)
An Act To Protect the Integrity of Security Deposits		An Act To Reimburse MaineCare in Certain Workers' Compensation Cases
	(H.P. 264) (L.D. 330) (C. "A" H-420)	(H.P. 922) (L.D. 1314) (C. "A" H-393)
An Act Regarding the Reporting Requirements of Conservators		An Act To Support Farms and Limit Sprawl
	(H.P. 284) (L.D. 354) (C. "A" H-374)	(H.P. 997) (L.D. 1414) (C. "A" H-407)
An Act To Establish Penalties for Violation of the Severance Pay Law		An Act To Limit the Liability of Organized Clubs
	(H.P. 308) (L.D. 392) (C. "A" H-391)	(H.P. 1067) (L.D. 1542) (C. "A" H-377)
An Act To Amend Truancy Laws Regarding Parent Involvement		An Act To Clarify the Use of Tips in Payment of Service Employees
	(H.P. 353) (L.D. 454) (H. "A" H-384 to C. "A" H-168)	(H.P. 1068) (L.D. 1543) (C. "A" H-370)
An Act To Allow Civil Penalties for Trespass while Engaging in Activities Regulated by Inland Fisheries and Wildlife		An Act To Improve the Process for Adjustment for Sudden and Severe Disruption of Valuation
	(H.P. 455) (L.D. 588) (C. "A" H-375)	(H.P. 1083) (L.D. 1558) (C. "A" H-360)
An Act To Protect Household Pets and Other Animals from Poisoning		An Act To Grant Supervisory Privileges to Supervising Nurse Practitioners
	(H.P. 579) (L.D. 758) (C. "A" H-399)	(H.P. 1120) (L.D. 1598) (C. "A" H-386)
An Act To Allow Certain Special Education Teachers To Acquire Time from the Maine State Retirement System		An Act To Promote Recycling of Cellular Telephones
	(H.P. 624) (L.D. 827) (C. "A" H-392)	(H.P. 1200) (L.D. 1717) (C. "A" H-418)
An Act To Enhance Special Education		An Act To Preserve the Recycling Value of Beverage Containers
	(H.P. 635) (L.D. 836) (C. "A" H-417)	(H.P. 1225) (L.D. 1759) (C. "A" H-387)
An Act To Continue To Ensure the Long-term Capacity of Municipal Landfills		An Act To Prevent Duplication in Certification of Hospitals
	(H.P. 710) (L.D. 935) (C. "A" H-411)	(H.P. 1243) (L.D. 1781) (C. "A" H-401)
An Act To Amend the Laws Governing the Burial or Cremation of Certain Persons		An Act To Fund Pesticide Education in the State
	(H.P. 740) (L.D. 980) (C. "A" H-366)	(H.P. 1252) (L.D. 1798) (C. "A" H-324)
An Act To Improve the Protection from Abuse Laws		An Act To Clarify the Definition of Autism
	(H.P. 748) (L.D. 988) (C. "A" H-376)	(H.P. 1256) (L.D. 1801) (C. "A" H-381)
An Act To Require the Reporting of Executive Branch Lobbying		An Act To Enact the Model Registered Agents Act and Amend Entity Acts To Rationalize Annual Filings
	(H.P. 776) (L.D. 1058) (C. "A" H-367)	(H.P. 1292) (L.D. 1853) (C. "A" H-397)
An Act To Clarify Worker Payment for Clothing and Equipment		Reported by the Committee on <b>Engrossed Bills</b> as truly and strictly engrossed. <b>PASSED TO BE ENACTED</b> , signed by the Speaker and sent to the Senate.
	(H.P. 804) (L.D. 1086) (C. "A" H-371)	
An Act To Make Circuitbreaker Program Benefits Proportional If a Resident Moves		<b>Resolves</b>
	(H.P. 814) (L.D. 1096) (C. "A" H-373)	Resolve, To Study Incentives To Encourage All-terrain Vehicle Registrants To Join Local All-terrain Vehicle Clubs
An Act To Protect Owners and Occupiers of Homes from Civil Liability		(H.P. 707) (L.D. 932) (C. "A" H-410)
	(H.P. 849) (L.D. 1156) (C. "A" H-396)	Resolve, Directing the Commissioner of Professional and Financial Regulation To Conduct a Sunrise Review of Oral Health Care Issues
An Act Relating to Uncollectible Cigarette and Tobacco Taxes		(H.P. 822) (L.D. 1129) (C. "A" H-362)
	(S.P. 417) (L.D. 1169) (C. "A" S-183)	Resolve, To Encourage Financial Education of Children from Kindergarten to Grade 12
An Act To Use the Date of Injury To Calculate the Average Weekly Wage in Occupational Disease Cases		(H.P. 1089) (L.D. 1564) (C. "A" H-402)
		Resolve, To Develop the Outdoor Licensed Network

(S.P. 712) (L.D. 1912)  
(C. "A" S-186)

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

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

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

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

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

On motion of Representative CLARK of Millinocket, 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. 129**

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Blanchard, Bliss, Boland, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Cebra, Chase, Clark, Cleary, Connor, Craven, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Edgecomb, Emery, Faircloth, Finch, Finley, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Gould, Grose, Hamper, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hotham, Jackson, Jacobsen, Joy, Kaenrath, Knight, Koffman, Lewin, MacDonald, Marean, Marley, Mazurek, McDonough, McFadden, McLeod, Miller, Millett, Mills, Miramant, Muse, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Pieh, Pilon, Pingree, 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, Thibodeau, Thomas, Tibbetts, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Walcott, Walker, Watson, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - NONE.

ABSENT - Berube, Blanchette, Conover, Cotta, Cressey, Dupre, Farrington, Fischer, Fisher, Greeley, Hogan, Lansley, Lundeen, Makas, McKane, Moore, Perry, Pineau, Pinkham, Richardson E.

Yes, 130; No, 0; Absent, 20; Vacant, 1; Excused, 0.

130 having voted in the affirmative and 0 voted in the negative, 1 vacancy with 20 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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An Act To Ensure the Integrity of School Crisis Response Plans

(H.P. 193) (L.D. 222)  
(C. "A" H-415)

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

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

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. Just before we finally pass this bill, I wanted to read a statement of legislative intent into the record.

The amendment ensures that portions of emergency management plans are public, while maintaining the confidentiality of other portions of the plans. Under Title 1, section 402, subsection 3, paragraph L, portions of emergency management plans prepared specifically for the purpose of preventing or preparing for acts of terrorism are not public records, to the extent that the release of information contained in the record could reasonably be expected to jeopardize the physical safety of government personnel or the public, are not public records. Thank you, Mr. Speaker.

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

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An Act To Enhance the Workers' Compensation Board Advocate Program

(S.P. 506) (L.D. 1439)  
(C. "A" S-179)

On motion of Representative BURNS of Berwick, was **SET ASIDE**.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative Burns.

Representative **BURNS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. This is a bill that came out of my committee, Labor, with unanimous support. I still support it, and I encourage you to support it—but I thought it was important that we all understand what we are voting on, and that it be part of the public record.

A few years back, when the Workers' Comp Act of 1992 was revised or created, when the whole situation was remade, workers gave up rights. They gave up rights to attorneys, and in place of attorneys they settled for an advocacy program. I do not take issue with that, and I do not expect you to either. The Advocacy Program is problematic in that it is underfunded and a number of advocates are not attorneys. They may well be highly skilled people, and I do not want to diminish what they do for injured workers, but it is important that it go on record, and that you know that an injured worker may well be represented by a non-attorney advocate, going toe-to-toe with a high-paid attorney from the insurance industry, and I find an injustice inherent in that. This bill seeks to correct that, but it is not going to correct it for a very long time.

The important thing to remember here is that the insurance industry, when they are engaged in representing their company against a non-attorney advocate for an injured worker, they are not willing to give up that attorney in place of a paralegal. So as to give some balance to that situation, they refuse to do that because it is unconstitutional to expect them to give up their legal advocacy. But yet at the same time, injured workers, for a number of years now, have given up their right to legal representation, and it is important that you understand that, because while this is a step in the direction of correcting it, it is not enough—it is not enough. We will talk about this more in the future, but please understand we are going to spend more money, to perpetuate a system that falls short of balancing the scales of justice for injured workers. Thank you, Men and Women of the House.

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

An Act To Establish the Regional Greenhouse Gas Initiative Act of 2007

(H.P. 1290) (L.D. 1851)  
(H. "A" H-380 to C. "A" H-321)

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

On motion of Representative TARDY of Newport, was **SET ASIDE**.

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

**CONSENT CALENDAR**

**First Day**

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

(H.P. 295) (L.D. 365) Resolve, To Promote Community Integration for Individuals with Brain Injuries Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-518)**

(H.P. 1063) (L.D. 1538) Bill "An Act To Increase the Safety of Hospital Patients" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-517)**

(H.P. 1347) (L.D. 1913) Resolve, Authorizing the Department of Conservation, Bureau of Parks and Lands To Convey Certain Lands Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-520)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Papers were **PASSED TO BE ENGROSSED as Amended** and sent for concurrence. **ORDERED SENT FORTHWITH.**

**ENACTORS**

**Emergency Measure**

Resolve, Regarding the Maine State Cultural Building in Augusta

(H.P. 1308) (L.D. 1876)  
(C. "A" H-400)

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

On motion of Representative ADAMS of Portland, 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" (H-400)** was **ADOPTED**.

The same Representative **PRESENTED** House Amendment "A" (H-466) to **Committee Amendment "A" (H-400)** which was **READ** by the Clerk.

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

Representative **ADAMS**: Thank you, Mr. Chairman. Men and Women of the House, the amendment now before you specifies that the task force dealing with the Maine State Cultural Building, may apply for New Century Community Program funds

to provide funding for the task force and the architectural consultant; and that such funds would be eligible to be matched by federal, state or local funds. Excellent fund, excellent idea, good building, good bill, good vote. Thank you.

Subsequently, House **Amendment "A" (H-466)** to **Committee Amendment "A" (H-400)** was **ADOPTED**.

**Committee Amendment "A" (H-400)** as **Amended by House Amendment "A" (H-466)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-400)** as **Amended by House Amendment "A" (H-466)** thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

**Acts**

An Act To Exempt Certain Meals Provided to Food Service Employees from the Sales and Use Tax

(H.P. 1271) (L.D. 1823)  
(C. "A" H-413)

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

On motion of Representative BERRY of Bowdoinham, was **SET ASIDE**.

On further motion of the same Representative, 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**.

The same Representative **PRESENTED** House Amendment "A" (H-515) which was **READ** by the Clerk.

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. This amendment would simply clarify that in exempting meals provided to food service employees from taxation and specifically from the Maine Use Tax, that we are only exempting the paltry sum of \$2 instead of \$6; \$2 and that is wholesale value cost to the employer of the meal.

I think we all are well aware of the situation that led to this need to produce the bill with which we are amending. I will not speak about the bill, but the amendment would satisfy the Maine restaurants and cafeterias. It is a very small sum that we are talking about, but the Fiscal Note produced an amount that assumed that we were collecting, in fact, far more than we currently are. We are collecting very little, so the need to amend arose because of a fascinating fiscal note, which I would love to talk to you each about in person later on, but I will not belabor this. I just want to clarify that this is only changing the amount, in order to change the Fiscal Note, and allow us to at least consider whether we really want to go out and beat down the doors of Maine's restaurants and cafeterias in collecting money that we have never collected before. Thank you.

Subsequently, **House Amendment "A" (H-515)** was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-413)** and **House Amendment "A" (H-515)** in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

**Emergency Measure**

An Act Concerning the Natural Resources Protection Laws and Related Provisions

(H.P. 1039) (L.D. 1477)  
(S. "A" S-224 to C. "A" H-388)

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

**Acts**

An Act To Provide a Partial Tax Exemption for the Purchase of a Hybrid or Clean Fuel Vehicle

(S.P. 12) (L.D. 2)  
(C. "A" S-195)

An Act To Implement the Recommendations of the Joint Select Committee on Research, Economic Development and the Innovation Economy

(S.P. 90) (L.D. 253)  
(C. "A" S-196)

An Act To Protect Community Safety by Amending Maine's Bail Code

(S.P. 169) (L.D. 514)  
(C. "A" S-198)

An Act To Amend the Employment Practices Law Regarding Substance Abuse Testing of Temporary Workers

(S.P. 306) (L.D. 955)  
(C. "A" S-190)

An Act To Amend the Tax Credit for Biofuel Production

(S.P. 320) (L.D. 1003)  
(C. "A" S-182)

An Act To Permit Mental Health Professionals To Disclose Risks to People Likely To Be Harmed by a Patient

(S.P. 371) (L.D. 1119)  
(C. "A" S-189)

An Act to Define "Livable Wage"

(H.P. 1014) (L.D. 1445)  
(S. "A" S-215 to C. "A" H-394)

An Act To Amend the Laws Relating to Probation and Supervised Release for Sex Offenders and To Make Necessary Changes to the Maine Criminal Code

(H.P. 1219) (L.D. 1736)  
(C. "A" H-421)

An Act To Strengthen and Clarify Maine's Motor Vehicle Laws

(S.P. 646) (L.D. 1817)  
(C. "A" S-200)

An Act To Amend the Laws Governing Stalking

(S.P. 681) (L.D. 1873)  
(C. "A" S-199)

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, Concerning the Reporting of Oil Spills

(S.P. 138) (L.D. 437)  
(C. "A" S-197)

Resolve, To Improve the Energy Efficiency of Residential and Commercial Buildings

(H.P. 1164) (L.D. 1655)  
(C. "A" H-331)

Resolve, Regarding Full, Fair and Nondiscriminatory Access to the Internet

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

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

On motion of Representative GERZOFSKY of Brunswick, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-198)**. on Bill "An Act To Protect Community Safety by Amending Maine's Bail Code "

(S.P. 169) (L.D. 514)

Subsequently, on motion of Representative PINGREE of North Haven, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-187)** on Bill "An Act Regarding Political Activities of Corporations"

(S.P. 530) (L.D. 1507)

Signed:

Senators:

MARRACHÉ of Kennebec  
BRYANT of Oxford

Representatives:

WEDDELL of Frankfort  
TRINWARD of Waterville  
PATRICK of Rumford  
TUTTLE of Sanford  
BLANCHETTE of Bangor

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

Signed:

Senator:

PLOWMAN of Penobscot

Representatives:

MOORE of Standish  
PINKHAM of Lexington Township  
NASS of Acton  
GOULD of South Berwick  
FITTS of Pittsfield

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.

**READ.**

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

**SENATE PAPERS  
Non-Concurrent Matter**

Bill "An Act To Protect Wild Trout from Exotic Species"  
(H.P. 799) (L.D. 1081)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-269)** in the House on May 24, 2007.

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

Representative JACKSON of Allagash moved that the House **ADHERE**.

Representative PRATT of Eddington moved that the House **INSIST** and **ASK** for a **COMMITTEE OF CONFERENCE**.

Representative TARDY of Newport moved that the House **RECEDE AND CONCUR**.

Representative PRATT of Eddington **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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 Eddington, Representative Pratt.

Representative **PRATT**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I just want to refresh all of your memories here. The House did a fantastic job on this bill just a few days ago; and unfortunately, the other body disagrees with us and as a good politician, I think we should sit down and talk about it. I would appreciate that opportunity. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Allagash, Representative Jackson.

Representative **JACKSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We did sit down and talk about it. We spent a lot of time in Committee, and the other body got it right, so I do not even know which one this is for, and I do not even know which one we are voting on at this point. But I would like you to vote against the Insist and support the Adhere.

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

**ROLL CALL NO. 130**

**YEA** - Annis, Austin, Ayotte, Barstow, Beaulieu, Browne W, Bryant, Campbell, Carter, Cebra, Chase, Cleary, Crosthwaite, Curtis, Edgecomb, Faircloth, Finch, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Hamper, Hotham, Jackson, Jacobsen, Joy, Knight, Lewin, McDonough, McLeod, Millett, Nass, Pingree, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Strang Burgess, Sykes, Tardy, Thomas, Tibbetts, Valentino, Vaughan, Walker, Weaver, Wheeler.

**NAY** - Adams, Babbidge, Beaudette, Beaudoin, Berry, Blanchard, Bliss, Boland, Burns, Cain, Canavan, Casavant, Clark, Connor, Cotta, Craven, Cray, Crockett, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Emery, Gerzofsky, Grose, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Kaenrath, Koffman, MacDonald, Marean, Marley, McFadden, Miller, Mills, Miramant, Muse, Norton, Patrick, Pendleton, Peoples, Percy, Pieh, Pilon, Piotti, Pratt, Priest, Rand, Rines, Samson, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Sutherland, Theriault, Thibodeau, Trinward, Tuttle, Wagner, Walcott, Watson, Webster, Weddell, Woodbury, Mr. Speaker.

**ABSENT** - Berube, Blanchette, Brautigam, Conover, Cressey, Duprey, Farrington, Fischer, Fisher, Greeley, Hogan, Lansley, Lundeen, Makas, Mazurek, McKane, Moore, Perry, Pineau, Pinkham, Richardson E, Treat.

Yes, 53; No, 75; Absent, 22; Vacant, 1; Excused, 0.

53 having voted in the affirmative and 75 voted in the negative, 1 vacancy with 22 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, on motion of Representative PRATT of Eddington the House **INSISTED** and **ASKED** for a **COMMITTEE OF CONFERENCE**. Sent for concurrence.

**Non-Concurrent Matter**

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

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

Majority (11) **OUGHT TO PASS AS AMENDED** Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-330) AS AMENDED BY HOUSE AMENDMENT "A" (H-467)** thereto in the House on June 11, 2007.

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On motion of Representative PINGREE of North Haven, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

**CONSENT CALENDAR**

**First Day**

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

(H.P. 257) (L.D. 313) Bill "An Act To Extend the Property Tax Exemption for Veterans to Persons Living in Cooperative Housing" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-522)**

(H.P. 560) (L.D. 739) Resolve, Directing the Department of Administrative and Financial Services, Bureau of Revenue Services To Study and Develop a Tax Increment Financing Program To Fund the Washington County Development Authority Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-523)**

(H.P. 908) (L.D. 1290) Bill "An Act To Enhance Enforcement of Public Health Measures" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-521)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Papers were **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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

**UNFINISHED BUSINESS**

The following matter, in the consideration of which the House was engaged at the time of adjournment Thursday, June 7, 2007, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

**SENATE DIVIDED REPORT** - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (S-157)** - Minority (4) **Ought Not to Pass** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Establish the Town Academy Advisory Council"

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

- In Senate, 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).**

TABLED - May 31, 2007 (Till Later Today) by Representative NORTON of Bangor.

**PENDING - ACCEPTANCE OF EITHER REPORT.**

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. This bill went through the Committee with really not great objections as to the substance of the bill. Some of us realized that there is an error in the name used in the bill and just were not speedy enough to change that, so if you are noting that I was on the Minority Report, that is the reason why, and so if this bill passes, I will then offer an amendment to fix the name in the bill. The substance is not a problem at all, it is simply the name.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-157)** was **READ** by the Clerk.

The same Representative **PRESENTED House Amendment "B" (H-465) to Committee Amendment "A" (S-157)**, which was **READ** by the Clerk and **ADOPTED**.

**Committee Amendment "A" (S-157) as Amended by House Amendment "B" (H-465)** thereto was **ADOPTED**.

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-157) as Amended by House Amendment "B" (H-465)** thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

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

**HOUSE DIVIDED REPORT - Majority (11) Ought to Pass as Amended by Committee Amendment "A" (H-476) - Minority (2) Ought to Pass as Amended by Committee Amendment "B" (H-477) - Committee on LABOR on Bill "An Act To Amend the Labor Laws Regarding Automobile Dealerships"**

(H.P. 1295) (L.D. 1295)

Which was **TABLED** by Representative PINGREE of North Haven pending the motion of Representative CLARK of Millinocket to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative JACKSON of Allagash **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 Allagash, Representative Jackson.

Representative **JACKSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. With this bill, I guess auto dealers came into Labor Committee and presented a solution to a problem that they were having. They wanted to be able to, I guess, pay salary to finance people and things like that that they were already doing for car salesmen; it was going to simplify their paperwork. On one hand, they were doing salesmen over here; and then were over here having to take care of all of these hourly rates. From all of us on the Committee, that made sense that they do it all under a salary system. Everyone

on the Committee, I believe, would support something along those lines.

The only difference in these two reports is that the current report says that you must pay at least 3,000 times the current minimum wage; and the difference is that the other one says 4,000 times. Now 3,000 times the current minimum wage is \$21,000; I felt that was a little low. You can take away people's overtime, and you will be able to take away their overtime. Under the current one that we are voting on, all you would have to pay is \$21,000, and you could not receive any overtime. Under another proposal it would be a bit higher, and that is why two of us on the Committee voted to support a higher, \$28,000 number. I think that makes sense, and so I would ask that you would support the **Ought Not to Pass**. Thank you.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative Burns.

Representative **BURNS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I hate to dissent from the majority of my committee, as I am sure Representative Jackson does, but the people who brought this bill to our attention had no problem with the Minority Report; they had no problem with it. Based on that, I thought, and Troy, Representative Jackson thought, that if we are going to err, let's err in favor of balance and justice. So if the sponsors or if people who brought this to our attention had no problem with it, I urge you to vote for Minority Report, because either way I think it is okay. I am not going to twist any arms here, not that I could, but if you vote with the Minority Report, you can be confident that workers in this class of employment are not going to be taken advantage of. Thank you, Men and Women of the House.

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. As you have heard, the bill amends the wage and hour overtime laws in relation to automobile dealership employees. The bill was sponsored by Representative Clark of Millinocket. The bill will eliminate paperwork to back in to an hourly wage of certain positions. The bill does not apply to anyone making less than \$21,000 per year. This bill adds a couple of jobs to the existing statutory exemption for a mechanic and salespersons. These employees will then be covered under the same terms of the federal overtime law, as other non-hourly, wage employees are at automobile dealerships.

I guess the difference in the two proposals is that the Majority Report more clearly reflected the wishes of the sponsor and to the people in general. As has been mentioned, the difference between the Majority Report is that we set the threshold to exceed 3,000 times the state minimum wage, which would be about \$21,000 a year, which will cover more employees as had been requested by the sponsor of the bill. The other one of \$24,000, or a 4,000 times the minimum wage, would cover a less amount of people.

Usually, in the deliberations of the committees I have been involved with, we try to stick in line with what the sponsors of the bill do, which more clearly defines the number of employees that we want to represent. I understand the concerns from the other side, but I would hope that you would stick with the Majority Report. There is a little bit of difference, but I think that if we support the Majority Report, it more clearly defines what the sponsor of the bill wanted to have and accomplish.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I think the good House Chair explained this bill extremely well; everything that he was

going to say, I was going to say. I hope when you vote, you vote for the Majority Report. Thank you.

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

Representative **HASKELL**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Having served on the Committee, let me see if I can explain to you why I am on the Majority Report. The only difference is whether it is 3,000 or 4,000 times; and while 4,000 would probably be a good idea, what it does is it leaves the rest of the workers in this class behind, because the standard all across Maine law is 3,000 times. So in order for this particular job not to be different than any other job in which we make a determination of what that cutoff is, I stayed with the Majority Report. I think that if at some point in the future we would like to raise it to 4,000, we ought to do it for all of the people in that class, not just for this very specific and very narrow group. Thank you, Mr. Speaker.

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

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

The **SPEAKER**: The Representative may pose her question.

Representative **NORTON**: Thank you, Mr. Speaker. This is 3,000 times the minimum wage if the people only worked 40 hours a week, but now we are going to a salary basis, so they could make many, many more than the week; in other words, readjusting that salary?

The **SPEAKER**: The Representative from Bangor, Representative Norton has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Berwick, Representative Burns.

Representative **BURNS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Representative Norton is right: 3 times minimum wage puts a ceiling, these folks cannot, they can be made to work more than a 40-hour week, but it is likely they won't be paid more. Right now they are compensated if they work more, if they work overtime. That is why Representative Jackson and I asked for this to be raised to 4,000 times minimum wage, because the testimony was such, as to lead us to believe, that these workers currently earn 4 times minimum wage, so why put a ceiling lower than that?

The gentleman who brought this bill, with all due respect to the sponsor of the bill, agreed that it would be harmless for us to do 4,000 times minimum wage, and that is why we have dissented from the majority, because what we want to do is assure that we do not under mind this class of workers as they exist today. We do not want them working longer hours for less pay. We do want to help eliminate the burden on the employer and help them do less arithmetic, because I understand it's burdensome on the process that they must go through. But I will tell you what; the folks that are doing the real work are far more burdened than the arithmetic process that these folks have to go through. Thank you, Representative Norton, for raising the question.

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. Never let it be said that I am one to fight against overtime, but this is voluntary. You have to understand the industry that we are talking about. Because of the nature of the industry, there are certain types of work conditions that they voluntarily choose to do if they are a salesperson, if they are involved in certain aspects of this industry. They wanted the bill. The workers wanted the bill. They came to Representative Clark; he put the bill in and listened

to them. It is strictly voluntary. If they do not want to do this, they do not have to, so let's listen to the Majority Report, let's do the right thing, and support the workers.

The **SPEAKER**: The Chair recognizes the Representative from Allagash, Representative Jackson.

Representative **JACKSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. When I was in the Committee, I never had any workers come and telling me that they wanted this, and most of the people that I know certainly want their overtime. I know I voluntarily have been screwed out of my paycheck before, but I could not say anything about it, and I am not saying that this is the case with this bill, but what we wanted to do was make sure that it never happened.

Mr. Brown, who was lobbying for this bill, said that most mechanics are making an average of \$32,000. I figured that \$28,000 was a good compromise, and that is why we put it at 4,000. I think that, like I said, if the auto dealerships do not have any problem with 4,000, but there are some of us who have an idea with a possible loss in overtime for some workers, and I think that we should make it 4,000.

The **SPEAKER**: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The last thing that I want to do is to prolong this bill. I did not think it was going to go this long, a little simple bill like this trying to protect some workers. But if any of you know me and know my history, the last thing I want to do is put workers in jeopardy and harms way.

The good Representative from Portland explained this bill extremely, really well, and why we cannot go from four to three, three to four. I wish you would have paid some attention to when she explained it to you, what was taking place on this Committee when it went the route it did go. We are only doing what we have to do to protect the workers, the ones that are working in the auto dealership. Please, when you vote, you will vote with the Majority Report, and do the right thing for the people who work in those work places.

The **SPEAKER**: The Chair recognizes the Representative from Allagash, Representative Jackson. Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative **JACKSON**: Thank you Mr. Speaker, and one last time, I just wanted to say that I did not think that we were protecting the workers; I thought we were helping the auto dealerships out, that is the way the bill was presented to me.

What the Representative said about the 3,000 times: This is a difference. This is going to make a difference for some workers, and everyone in here should know that the federal guidelines, they set the minimum, but we can go over, we can supersede them anytime that we want as long as there are more. We are not doing anything out of the ordinary, there are many other cases where we have gone past federal guidelines, and this would be one of them. I do not see any issue with it at all. I think that we are actually going to protect more workers.

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. 131

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Blanchard, Bliss, Browne W, Bryant, Cain, Campbell, Carter, Cebra, Chase, Clark, Cleary, Connor, Cotta, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Eberle, Edgecomb, Faircloth, Finch, Finley,



Fitts, Fletcher, Flood, Gifford, Giles, Gould, Grose, Hamper, Hanley S, Haskell, Hayes, Hill, Hinck, Hotham, Jacobsen, Joy, Kaenrath, Knight, Koffman, Lewin, MacDonald, Marean, Marley, McDonough, McLeod, Miller, Millett, Mills, Miramant, Muse, Nass, Pendleton, Peoples, Percy, Pieh, Pilon, Pingree, 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, Thibodeau, Thomas, Tibbetts, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Walker, Weaver, Webster, Weddell, Woodbury, Mr. Speaker.

**NAY** - Boland, Burns, Canavan, Casavant, Craven, Dunn, Eaton, Harlow, Jackson, Norton, Patrick, Pratt, Walcott, Watson, Wheeler.

**ABSENT** - Berube, Blanchette, Brautigam, Conover, Cressey, Duprey, Emery, Farrington, Fischer, Fisher, Gerzofsky, Greeley, Hogan, Lansley, Lundeen, Makas, Mazurek, McFadden, McKane, Moore, Perry, Pineau, Pinkham, Richardson E.

Yes, 111; No, 15; Absent, 24; Vacant, 1; Excused, 0.

111 having voted in the affirmative and 15 voted in the negative, 1 vacancy with 24 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-476)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-476)** and sent for concurrence. **ORDERED SENT FORTHWITH**.

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

An Act To Establish the Regional Greenhouse Gas Initiative Act of 2007

(H.P. 1290) (L.D. 1851)  
(H. "A" H-380 to C. "A" H-321)

Which was **TABLED** by Representative **TARDY** of Newport pending **PASSAGE TO BE ENACTED**.

On motion of Representative **WALKER** of Lincolnville, 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" (H-321) as Amended by House Amendment "A" (H-380)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "B" (H-532) to Committee Amendment "A" (H-321)** which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Lincolnville, Representative Walker.

Representative **WALKER**: Mr. Speaker, if you like the RGGI concept, I think that you are going to like my amendment even more. My amendment looks at carbon-free sources of energy production. My amendment produces a Maine Nuclear Power Council, which is not only going to look at carbon-free

alternatives for power production, but it would also lessen our dependence on foreign oil.

Mr. Speaker, this is not an amendment for next week; this is not an amendment for next month or next year; this is an amendment which is going to have to deal with an issue that is probably going to come to roost, ten, fifteen years down the road. The rest of the world uses nuclear power for their energy production. France has 56 different, working nuclear plants, which generate 76 percent of their nuclear power. Our good friends to the north and east, the Province of New Brunswick, are speeding along a feasibility study to look at building a second nuclear power plant. We do not know what is going to happen with natural gas supplies, we do not know what is going to happen with the price of natural gas, we do not know what is going to happen with foreign oil sources, and we do not know what is going to happen with the price of foreign oil. We can look at tidal, we can look at wind power, we can look at solar power, but these technologies really will not be with us in any significant form for many years to come.

Mr. Speaker, I would hate for the person that is to follow me in this seat, be standing here 15 years from now, when we have rolling blackouts in the northeast, when we have rolling brownouts and a lot of people are suffering, somebody is going to say, "Gee, I wish somebody had thought about this and done something about this 10 or 15 years ago."

Again, this is a power source that the rest of the world is using. I think we need to look around, and we need to at least put together this council so we can look at how we can locate study, look at the environmental effects, and look at the construction of a nuclear power facility.

Mr. Speaker, I simply leave you with something that Thomas Jefferson said. He said that "a politician looks forward only to the next election. A statesman looks forward to the next generation." Mr. Speaker, Ladies and Gentlemen of the House, I would ask you to join me in becoming statesmen, stateswomen, today, and vote green on this amendment. Thank you, Mr. Speaker.

Representative **KOFFMAN** of Bar Harbor moved that **House Amendment "B" (H-532) to Committee Amendment "A" (H-321)** be **INDEFINITELY POSTPONED**.

The **SPEAKER**: The Chair recognizes the Representative from Bar Harbor, Representative Koffman.

Representative **KOFFMAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. While we could enjoy an energetic and robust discussion about the role of nuclear power in our future, I find this amendment to be inconsistent with the purposes of the bill.

The bill is establishing a regional greenhouse cap and trade program. It was well crafted by the work of a number of participants including members of two committees in a joint referral to Utilities and Energy and Natural Resources. Had we included, for some reason, nuclear power in the bill, the public hearing would have taken a space significantly larger than the Natural Resources Committee room, probably the Civic Center, and all of it.

I do think that the good Representative raises important points. There will be many discussions in the years ahead about this issue, this problem, and the many tools we will need to contain this problem, so that future generations do not suffer from the consequences of our inaction. But this bill stands on its merits, it has strong support, I appreciate all of the work that has gone into it, and I appreciate that the Representative would like to improve on it, but I do not find that in this case it would add value to our effort. Thank you.

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

Representative **BLISS**: Thank you, Mr. Speaker. Mr. Speaker, I would encourage the sponsor of this amendment to present a bill to the Utilities and Energy Committee next year. I think that there are a variety of issues to talk about; I think that we would be delighted to talk about them. I do not believe, however, that the regional greenhouse gas bill is the appropriate location; nor do I think that this is the appropriate time, so I would urge my colleagues to vote in favor of Representative Koffman's motion to Indefinitely Postpone.

The **SPEAKER**: The Chair recognizes the Representative from Farmingdale, Representative Treat.

Representative **TREAT**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I spent several years chairing and also serving on the Maine Low-level Radioactive Waste Advisory Council. I worked on legislation that was involved with cleaning up the Maine Yankee site and ensuring that there was safe storage of high-level waste at that site, and I would also urge Indefinite Postponement of this amendment.

These are very big issues to which there is a great deal of opposition and interest, and the better place to be attaching these issues are to deal with it in a separate piece of legislation. This is a huge issue in this state, and it has not been brought forward in this legislation at all, which is excellent legislation, it is compromised legislation that has the involvement of many, many people, and this issue should not be raised at this late day. I encourage support of the pending motion.

Representative **WALKER** of Lincolnville **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-532) to Committee Amendment "A" (H-321)**.

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 Lincolnville, Representative Walker.

Representative **WALKER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This simply establishes a council, it does not do anything more than that. It talks about carbon-free energy production, which is what RGGI is all about. That is exactly what RGGI is trying to do: we are trying to decrease our carbon output. This is another way of doing it. I think that it is perfectly appropriate. It does nothing more than establish a council. Again, I ask you to vote red against the motion for Indefinite Postponement.

The **SPEAKER**: The Chair recognizes the Representative from Waterboro, Representative Jacobsen.

Representative **JACOBSEN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I believe this is a time to take action on this. This is a matter we have to look at, and we should be responsible for. I might remind you that China is building in the next 20 years, 100 nuclear power plants. We are going to be running around with windmills if we do not do something. It is like comparing a bicycle to a motorcycle.

Building a nuclear power plant in the State of Maine would give Maine another thing to export besides lobsters. We need the power, we need the jobs. I would like to see it in southern Maine, but Washington County, Aroostook County, they need jobs. Building a nuclear power plant in northern Maine would bring jobs there for 10 to 15 years, good paying jobs. It would give them the power that we need to keep companies like McCain's, and our agriculture going and growing. It would bring jobs and technology, good paying jobs to keep college in students in the state of Maine. It is time for us to take our head out of the sand and do something. Twenty years ago, who was carrying a cell phone around? Not many. Technology has

change, nuclear power plants have changed, and our needs have changed. It is time for us to move forward. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "B" (H-532) to Committee Amendment "A" (H-321). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 132**

**YEA** - Adams, Babbidge, Barstow, Beaudette, Beaudoin, Berry, Blanchard, Bliss, Boland, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Connor, Craven, Crockett, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Finch, Flood, Grose, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Kaenrath, Koffman, MacDonald, Marley, Miller, Mills, Miramant, Norton, Patrick, Pendleton, Peoples, Percy, Pieh, Pilon, Pingree, Piotti, Pratt, Priest, Rand, Rines, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Wagner, Walcott, Watson, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

**NAY** - Annis, Austin, Ayotte, Beaulieu, Browne W, Cebra, Chase, Clark, Cleary, Cotta, Cray, Crosthwaite, Edgcomb, Finley, Fitts, Fletcher, Gifford, Giles, Gould, Hamper, Hotham, Jackson, Jacobsen, Joy, Knight, Lewin, McDonough, McFadden, McLeod, Millett, Muse, Nass, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Samson, Savage, Saviello, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Vaughan, Walker, Weaver.

**ABSENT** - Berube, Blanchette, Brautigam, Conover, Cressey, Curtis, Dill, Duprey, Emery, Farrington, Fischer, Fisher, Gerzofsky, Greeley, Hogan, Lansley, Lundeen, Makas, Marean, Mazurek, McKane, Moore, Perry, Pineau, Pinkham, Richardson E.

Yes, 74; No, 50; Absent, 26; Vacant, 1; Excused, 0.

74 having voted in the affirmative and 50 voted in the negative, 1 vacancy with 26 being absent, and accordingly **House Amendment "B" (H-532) to Committee Amendment "A" (H-321) was INDEFINITELY POSTPONED.**

**Committee Amendment "A" (H-321) as Amended by House Amendment "A" (H-380) thereto was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-321) as Amended by House Amendment "A" (H-380) thereto.**

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

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

**REPORTS OF COMMITTEE  
Ought to Pass**

Report of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Require That Notaries Public Keep Records of Notarial Acts"

(S.P. 538) (L.D. 1515)

**Reporting Ought to Pass.**

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill and accompanying papers **INDEFINITELY POSTPONED.**

Report was **READ** and **ACCEPTED.**

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading.**

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED in NON-CONCURRENCE** and sent for concurrence.

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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 HOTHAM of Dixfield, the House adjourned at 5:58 p.m., until 9:00 a.m., Tuesday, June 12, 2007.