

# MAINE STATE LEGISLATURE

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

**Volume II**

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ONE HUNDRED AND TWENTY-THIRD LEGISLATURE  
FIRST REGULAR SESSION  
55th Legislative Day  
Tuesday, June 12, 2007

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

Prayer by Chaplain Marilee Temple-Harris, Brunswick.

National Anthem by Hope Logan, Boothbay Harbor.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

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

**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

Sergeant Conan Marchi, of Kittery, who has returned home from active duty with the 136th Infantry Division stationed in Iraq. We have been blessed with generations of men and women like Sergeant Marchi who have stepped forward to fight for the security of this nation so that we might continue to enjoy liberty and freedom. We join citizens throughout the State in welcoming Sergeant Marchi home and in extending our appreciation to him for his commitment to the United States military;

(HLS 565)

Presented by Representative WHEELER of Kittery.  
Cosponsored by Representative HILL of York, Senator BOWMAN of York.

On **OBJECTION** of Representative WHEELER of Kittery, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The SPEAKER: The Chair recognizes the Representative from Kittery, Representative Wheeler.

Representative **WHEELER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Mr. Speaker, I would like to take a moment right now to recognize the incredible service that Sergeant Marchi had given to this country.

Sergeant Marchi enlisted in the Army after high school, which had been a dream for many years prior. He reenlisted in the Army after September 11. While serving as a Sergeant, Marchi was leading his squad on a mission in the small Iraq city of Hit, when he was hit by enemy fire.

Ladies and Gentlemen of the House, it is a testament to this young man's strength that he is sitting here in the gallery. Sergeant Marchi underwent 18 surgeries and a month of rehab after his injuries. I have been told that his pelvis was shattered by enemy fire, that many believed he would be paralyzed from the injury.

I served in World War II and my generation had been called "the greatest generation." As a member of that generation, I can say that I look forward to the future with great optimism, because of the bravery and partisan shown by young men like Sergeant Marchi. For his bravery, Sergeant Marchi received the Purple Heart. I am so happy that we have Sergeant Marchi with us today. He is a model of selflessness. He is a heroic citizen that we should all strive to be. Thank you, Mr. Speaker.

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

**Recognizing:**

Richard Marchi, principal of the Great Salt Bay Community School in Damariscotta, on the occasion of his retirement after almost 30 years of dedicated service to the community. Mr. Marchi started as principal on August 1, 1978 and has worked with at-risk students and with the Maine Principals' Association to work on truancy prevention programs for the junior high school level. He has been a constant supporter of the faculty and staff, as well as the students, and is considered a leader with great warmth and insight. We acknowledge his exemplary career in education and we send him our congratulations and best wishes to him on his retirement;

(HLS 566)

Presented by Representative PIEH of Bremen.

Cosponsored by Representative McKANE of Newcastle, Senator DOW of Lincoln.

On **OBJECTION** of Representative PIEH of Bremen, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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. Dick Marchi is one special person. If you have a chance to meet him, you see a light in his eye and you know why: Over many, many years, Great Salt Bay was called a flagship school in our area. He took it through renovations, and trailers, and rebuilds, and creations, and has stuck with it through all of this time in a wonderful way that has inspired all of us. I knew Dick as a school board member myself, and as a friend as well.

Our school in Bremen had a hard time finding another school to accept us, as our enrollment was dwindling, and when we did move in and join Great Salt Bay CSD, it is no surprise to me, that our population of children has continued now to expand every year. This is a school that does not lose its population like many schools do over the years, it gains population every single year, and it is because of Dick. He is just an amazing man. He has been offered jobs in other places and asked, "Why don't you move up? You are so wonderful," and he said, "No, my place is here in my school with my children."

When my niece and nephew, twins, came from Austin, Texas, and I brought them in to look around the school, my nephew decided to put on a power pout because he was not interested, and all of you who have children know what a power pout is. Dick just ignored it and by the end, my nephew was talking baseball and computers and math class, and very excited about coming; and again, it is thanks to Dick. I just want to rise and commend him on his amazing service to our community. Thank you.

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

Representative **McKANE**: Thank you, Mr. Speaker. I was a little slow on the uptake, but I did want to say a few words about our principal.

It was back in 1980 or 81; we had a brand new school in Damariscotta and a relatively new principal. It was also the year that my son was enrolled in kindergarten—I do not want to make Mr. Marchi feel old, but he now is married, and has a daughter and one on the way. But Dick's commitment to that school, to his students, to his staff, is what really made that school, gave it the great reputation that it has and why its enrollment keeps increasing. I just wanted to add my personal thanks, also. Thank, Mr. Speaker.

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

**Recognizing:**

Jarrett Lukas, a student at Old Town High School, who has been named the 2006-2007 Gatorade Maine Baseball Player of the Year. A senior captain of the team, Jarrett is a pitcher-shortstop for the Coyotes. He has maintained a 94.8 academic average and serves as a volunteer peer mentor at the local elementary school. Jarrett is also a teaching assistant for special-needs students at his high school. We extend our congratulations to Jarrett on his receiving this well-deserved award, and we send him our best wishes on his future endeavors;

(HLS 573)

Presented by Representative BLANCHARD of Old Town.  
Cosponsored by Senator SCHNEIDER of Penobscot.

On **OBJECTION** of Representative BLANCHARD of Old Town, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Blanchard.

Representative **BLANCHARD**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is a great privilege for me to speak about this young man from my hometown of Old Town, Maine. This young man is not just a good athlete, and a baseball player, but also a great student, and a young man that is respected by his fellow students and all, and most of the teachers at Old Town High School and in the elementary system.

Jarrett has a kindness about him that as peer mentor in the elementary school system, the students look forward to having him show up and the days that he does not appear, there seems to be a little bit of a lull according to my daughter.

We, the people of Old Town, and the parents, especially his parents and grandparents, are especially proud of what his accomplishments have been, and we wish him continued success as a baseball player at the University of Maine. Our best to you, Jarrett, and all that you will do in the future.

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

**REPORTS OF COMMITTEE**

**Ought to Pass Pursuant to Statute**

Representative SIMPSON for the **Joint Standing Committee on Judiciary** on Bill "An Act To Implement the Recommendations of the Right To Know Advisory Committee Creating the Public Access Ombudsman"

(H.P. 1361) (L.D. 1923)

Reporting **Ought to Pass** pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 6, paragraph G.

Report was **READ** and **ACCEPTED**. The Bill **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**.

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

**Divided Reports**

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Further the Implementation of the Essential Programs and Services Funding Act"

(H.P. 1282) (L.D. 1839)

Signed:

Senators:

BOWMAN of York  
MITCHELL of Kennebec  
MILLS of Somerset

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-469)** on same Bill.

Signed:

Representatives:

FINCH of Fairfield  
MAKAS of Lewiston  
EDGEComb of Caribou  
McFADDEN of Dennysville  
MUSE of Fryeburg

**READ.**

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

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

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

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

**ROLL CALL NO. 133**

YEA - Adams, Barstow, Beaudette, Beaudoin, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Bryant, Burns, Cain, Canavan, Carter, Casavant, Cleary, Connor, Conover, Craven, Crockett, Dill, Driscoll, Duchesne, Eaton, Eberle, Faircloth, Farrington, Fisher, Flood, Gerzofsky, Grose, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Kaenrath, Koffman, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, Miller, Millett, Mills, Miramant, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pineau, Pingree, Piotti, Pratt, Priest, Rines, Robinson, Samson, 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, Babbidge, Beaulieu, Berube, Browne W, Campbell, Cebra, Chase, Clark, Cotta, Cray, Crosthwaite, Curtis, Duprey, Edgecomb, Emery, Finch, Finley, Fitts, Fletcher, Giles, Gould, Hamper, Hotham, Jacobsen, Joy, Knight, Lundeen, McFadden, McKane, McLeod, Moore, Muse, Nass, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Rosen, Savage, Saviello, Schatz, Sykes, Tardy, Thibodeau, Vaughan, Walker, Weaver.

ABSENT - Cressey, Dunn, Fischer, Gifford, Greeley, Jackson, Lansley, Lewin, Rand, Richardson E, Thomas, Tibbetts.  
Yes, 86; No, 52; Absent, 12; Vacant, 1; Excused, 0.

86 having voted in the affirmative and 52 voted in the negative, 1 vacancy with 12 being absent, and accordingly the

Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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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-519)** on Resolve, To Establish the Work Group To Review and Recommend Improvements for the Certificate of Need Program

(H.P. 1060) (L.D. 1535)

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  
CAMPBELL of Newfield  
FINLEY of Skowhegan

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

Signed:

Representatives:

WALKER of Lincolnville  
LEWIN of Eliot

**READ.**

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

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-519)** was **READ** by the Clerk.

On motion of Representative PINGREE of North Haven, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-519)** and later today assigned.

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Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-513)** on Resolve, To Explore the Feasibility of Enrolling the Legislature as an Employer Group in Dirigo Health

(H.P. 1093) (L.D. 1568)

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  
SAVAGE of Falmouth  
CONOVER of Oakland  
PRIEST of Brunswick

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

Signed:

Representatives:

RICHARDSON of Warren  
McKANE of Newcastle

**READ.**

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

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-513)** 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-513)** and sent for concurrence.

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Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Establish a Health Care Bill of Rights"

(H.P. 912) (L.D. 1294)

Signed:

Senators:

SULLIVAN of York  
SNOWE-MELLO of Androscoggin  
BOWMAN of York

Representatives:

VAUGHAN of Durham  
RICHARDSON of Warren  
McKANE of Newcastle  
SAVAGE of Falmouth

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-512)** on same Bill.

Signed:

Representatives:

BRAUTIGAM of Falmouth  
CANAVAN of Waterville  
CROCKETT of Augusta  
TREAT of Farmingdale  
CONOVER of Oakland  
PRIEST of Brunswick

**READ.**

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

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## CONSENT CALENDAR

### First Day

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

(H.P. 597) (L.D. 781) Bill "An Act Making Unified Highway Fund and Other Funds Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2008 and June 30, 2009" (EMERGENCY) Committee on **TRANSPORTATION** reporting

**Ought to Pass as Amended by Committee Amendment "A" (H-545)**

(H.P. 605) (L.D. 789) Bill "An Act To Decrease the Excise Tax Imposed on Motor Vehicles" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-524)**

(H.P. 625) (L.D. 828) Bill "An Act To Change the Process for Applying for Reimbursement of Fuel Taxes" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-525)**

(H.P. 654) (L.D. 865) Bill "An Act To Reduce the Cost of Hunting and Fishing Licenses for Certain Veterans and Members of the Military Service" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-540)**

(H.P. 782) (L.D. 1064) Bill "An Act To Increase Funding To Support Research and Development in the University of Maine System" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-529)**

(H.P. 863) (L.D. 1182) Bill "An Act To Enable the Creation of Tax Increment Financing Districts for Arts Districts" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-534)**

(H.P. 1069) (L.D. 1544) Bill "An Act To Enact the Home Care Consumer and Worker Protection Act" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-535)**

(H.P. 1190) (L.D. 1707) Bill "An Act To Require Municipalities To Enforce the Collection of the State Excise Tax on Motor Vehicles, Watercraft and Certain Recreational Vehicles Owned by Maine Residents Registered Outside the State" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-526)**

(H.P. 1270) (L.D. 1822) Bill "An Act To Implement the Recommendations of the Right To Know Advisory Committee" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-536)**

(H.P. 1332) (L.D. 1899) Bill "An Act To Include Institutions Providing an Educational Program among Entities Eligible To Borrow from the Maine Health and Higher Educational Facilities Authority" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-533)**

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.

**ENACTORS  
Emergency Measure**

Resolve, To Establish a Working Group To Study the Effectiveness and Timeliness of Early Identification and Intervention for Children with Hearing Loss in Maine

(H.P. 881) (L.D. 1239)  
(C. "A" H-365)

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

On motion of Representative PERRY of Calais, **TABLED** pending **FINAL PASSAGE** and later today assigned.

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

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Reduce Maine's Property Tax Burden by Funding County Jails"

(H.P. 481) (L.D. 632)

Signed:

Senators:

DIAMOND of Cumberland  
McCORMICK of Kennebec  
SHERMAN of Aroostook

Representatives:

GERZOFISKY of Brunswick  
BLANCHETTE of Bangor  
HASKELL of Portland  
HANLEY of Gardiner  
HILL of York  
KAENRATH of South Portland  
SYKES of Harrison  
GREELEY of Levant  
TIBBETTS of Columbia

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-541)** on same Bill.

Signed:

Representative:

PLUMMER of Windham

**READ.**

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

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-527)** on Bill "An Act To Implement the Recommendations of the Corrections Alternatives Advisory Committee"

(H.P. 1327) (L.D. 1895)

Signed:

Senator:

DIAMOND of Cumberland

Representatives:

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

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

Signed:

Senators:

McCORMICK of Kennebec  
SHERMAN of Aroostook

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-527)** 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-527)** and sent for concurrence.

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Require Insurers To Use Savings from Dirigo Health To Reduce Premiums"

(H.P. 719) (L.D. 959)

Signed:

Senators:

SULLIVAN of York  
BOWMAN of York

Representatives:

BRAUTIGAM of Falmouth  
CANAVAN of Waterville  
CROCKETT of Augusta  
TREAT of Farmingdale  
CONOVER of Oakland  
PRIEST of Brunswick

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-530)** on same Bill.

Signed:

Senator:

SNOWE-MELLO of Androscoggin

Representatives:

VAUGHAN of Durham  
RICHARDSON of Warren  
SAVAGE of Falmouth  
McKANE of Newcastle

**READ.**

Representative BRAUTIGAM of Falmouth moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

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

**ROLL CALL NO. 134**

YEA - Adams, Babbidge, Barstow, Beaudette, Beaudoin, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Clark, Connor, Conover, Craven, Crockett, Driscoll, Duchesne, Eaton, Eberle, Faircloth, Farrington, Finch, Fisher, Gerzofsky, Grose, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Kaenrath, Koffman, MacDonald, Makas, Marley, Mazurek, Miller, Mills, Miramant, Moore, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pineau, Pingree, Piotti, Pratt, Priest, Rines, Samson, Silsby,

Simpson, Sirois, Smith N, Sutherland, Treat, Trinward, Tuttle, Valentino, Wagner, Walcott, Watson, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Beaulieu, Berube, Browne W, Cebra, Chase, Cleary, Cotta, Cray, Crosthwaite, Curtis, Edgecomb, Emery, Finley, Fitts, Fletcher, Flood, Giles, Gould, Greeley, Hamper, Hanley S, Hotham, Jacobsen, Joy, Knight, Lundeen, Marean, McDonough, McFadden, McKane, McLeod, Millett, Muse, Nass, Pilon, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Savage, Saviello, Schatz, Strang Burgess, Sykes, Tardy, Theriault, Thibodeau, Vaughan, Walker, Weaver, Woodbury.

ABSENT - Cressey, Dill, Dunn, Duprey, Fischer, Gifford, Jackson, Lansley, Lewin, Rand, Richardson E, Thomas, Tibbetts.

Yes, 79; No, 58; Absent, 13; Vacant, 1; Excused, 0.

79 having voted in the affirmative and 58 voted in the negative, 1 vacancy with 13 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Amend the Maine Liquor Liability Act"

(H.P. 818) (L.D. 1125)

Signed:

Senator:

HASTINGS of Oxford

Representatives:

DUNN of Bangor  
MILLS of Farmington  
DILL of Cape Elizabeth  
BERUBE of Lisbon  
JACOBSEN of Waterboro  
NASS of Acton  
GOULD of South Berwick

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-537)** on same Bill.

Signed:

Senators:

HOBBINS of York  
NUTTING of Androscoggin

Representatives:

SIMPSON of Auburn  
BRYANT of Windham  
CASAVANT of Biddeford

Representative LORING of the Penobscot Nation - of the House - supports the Majority **Ought Not to Pass** Report.

**READ.**

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-538)** on Bill "An Act To Improve Child Support Services"

(H.P. 1066) (L.D. 1541)

Signed:

Senators:

HOBBS of York  
HASTINGS of Oxford

Representatives:

SIMPSON of Auburn  
BRYANT of Windham  
MILLS of Farmington  
DUNN of Bangor  
DILL of Cape Elizabeth  
CASAVANT of Biddeford  
BERUBE of Lisbon  
JACOBSEN of Waterboro  
GOULD of South Berwick  
NASS of Acton

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-539)** on same Bill.

Signed:

Senator:

NUTTING of Androscoggin

Representative LORING of the Penobscot Nation - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-538)** Report.

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-538)** 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-538)** and sent for concurrence.

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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-531)** on Bill "An Act To Generate Savings by Changing Public Notice Requirements" (EMERGENCY)

(H.P. 1310) (L.D. 1878)

Signed:

Senators:

SCHNEIDER of Penobscot  
BRANNIGAN of Cumberland  
BENOIT of Sagadahoc

Representatives:

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

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

Signed:

Representatives:

BOLAND of Sanford  
SCHATZ of Blue Hill

**READ.**

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 **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-528)** on Bill "An Act To Provide Maine Land Conservation Tax Incentives"

(H.P. 422) (L.D. 544)

Signed:

Senators:

PERRY of Penobscot  
STRIMLING of Cumberland  
NASS of York

Representatives:

PIOTTI of Unity  
RAND of Portland  
KNIGHT of Livermore Falls  
CLARK of Millinocket  
WOODBURY of Yarmouth  
WATSON of Bath  
CHASE of Wells  
PILON of Saco  
LANSLEY of Sabattus

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

Signed:

Representative:

HOTHAM of Dixfield

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-528)** 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-528)** and sent for concurrence.

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Eleven Members of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** report in Report "A" **Ought Not to Pass** on Bill "An Act To Create Mandatory Minimum Sentences for Persons Convicted of Certain Sex Offenses against Victims under 12 Years of Age"

(H.P. 44) (L.D. 46)

Signed:

Senators:

McCORMICK of Kennebec  
SHERMAN of Aroostook

Representatives:



GERZOFSKY of Brunswick  
 BLANCHETTE of Bangor  
 GREELEY of Levant  
 HILL of York  
 HANLEY of Gardiner  
 PLUMMER of Windham  
 KAENRATH of South Portland  
 HASKELL of Portland  
 SYKES of Harrison

One Member of the same Committee reports in Report "B" **Ought to Pass as Amended by Committee Amendment "A" (H-542)** on same Bill.

Signed:

Senator:

DIAMOND of Cumberland

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (H-543)** on same Bill.

Signed:

Representative:

TIBBETTS of Columbia

**READ.**

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

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** Report "A" **Ought Not to Pass** and later today assigned.

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

**CONSENT CALENDAR**

**First Day**

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

(S.P. 355) (L.D. 1103) Bill "An Act To Ensure Funding for Higher Education" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-269)**

(S.P. 411) (L.D. 1163) Bill "An Act To Implement the Recommendations of the Office of Program Evaluation and Government Accountability Regarding Economic Development in Maine" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-278)**

(S.P. 571) (L.D. 1627) Bill "An Act To Protect Families and Enhance Public Safety by Making Domestic Violence a Crime" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-276)**

(S.P. 610) (L.D. 1743) Bill "An Act To Create the Freshwater Resource Board" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-273)**

(S.P. 659) (L.D. 1842) Bill "An Act To Update Professional and Occupational Licensing Laws" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-275)**

(S.P. 666) (L.D. 1850) Bill "An Act To Improve Efficiency and Effectiveness of Early Intervention and Early Childhood Special Education for Children from Birth to Eight Years of Age through Improved Oversight, Accountability and Interagency Coordination" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-267)**

(S.P. 668) (L.D. 1854) Bill "An Act Regarding Campaign Finance Reporting and the Maine Clean Election Act" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-279)**

(S.P. 691) (L.D. 1897) Bill "An Act To Allow Blended Sentencing for Certain Juveniles" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-277)**

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.

**SENATE PAPERS**

Bill "An Act To Implement the Recommendations of the Committee To Review the Taxation of Slot Machine Revenues, Created by Executive Order 33 Fiscal Year 2006-07"

(S.P. 729) (L.D. 1924)

Came from the Senate, **REFERRED** to the Committee on **TAXATION** and ordered printed.

On motion of Representative PATRICK of Rumford, **TABLED** pending **REFERENCE** 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:

(S.P. 376) (L.D. 1188) Bill "An Act Regarding Local Plumbing Inspectors" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(S.P. 92) (L.D. 277) Bill "An Act To Require Mapping of Conservation Easements, Purchases and Gifts" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-253)**

(S.P. 116) (L.D. 372) Bill "An Act To Strengthen the Crime of Gross Sexual Assault as It Pertains to Persons Who Furnish Drugs to Victims" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-251)**

(S.P. 168) (L.D. 513) Bill "An Act To Amend the Motor Vehicle Laws" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-242)**

(S.P. 312) (L.D. 995) Bill "An Act To Reduce the Expense of Health Care Treatment and Protect the Health of Maine Citizens by Providing Early Screening, Detection and Prevention of Cancer" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-262)**

(S.P. 344) (L.D. 1027) Bill "An Act To Clarify the Definition of 'Physical or Mental Disability' in the Maine Human Rights Act" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-248)**

(S.P. 430) (L.D. 1244) Bill "An Act To Reduce Foreclosures" Committee on **BUSINESS, RESEARCH AND ECONOMIC**

**DEVELOPMENT reporting Ought to Pass as Amended by Committee Amendment "A" (S-239)**

(S.P. 515) (L.D. 1467) Resolve, To Create Improved Employment Opportunities for People with Disabilities Committee on **LABOR reporting Ought to Pass as Amended by Committee Amendment "A" (S-258)**

(S.P. 518) (L.D. 1491) Bill "An Act To Create Child Safe Zones and To Increase the Use of Electronic Monitoring of High-risk Sex Offenders" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY reporting Ought to Pass as Amended by Committee Amendment "A" (S-256)**

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

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

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

(S.P. 561) (L.D. 1617) Bill "An Act To Repeal Strict Foreclosure" Committee on **JUDICIARY reporting Ought to Pass as Amended by Committee Amendment "A" (S-255)**

(S.P. 566) (L.D. 1622) Bill "An Act To Expand Exemptions from Licensing Laws for Professional Engineers" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT reporting Ought to Pass as Amended by Committee Amendment "A" (S-240)**

(S.P. 577) (L.D. 1672) Bill "An Act Relating to Retirement and Death Benefits for Certain Law Enforcement Officers" Committee on **LABOR reporting Ought to Pass as Amended by Committee Amendment "A" (S-257)**

(S.P. 596) (L.D. 1689) Bill "An Act To Amend the Child and Family Services and Child Protection Act" Committee on **JUDICIARY reporting Ought to Pass as Amended by Committee Amendment "A" (S-247)**

(S.P. 617) (L.D. 1750) Bill "An Act To Amend the Statute of Limitations for Actions against Professional Land Surveyors" Committee on **JUDICIARY reporting Ought to Pass as Amended by Committee Amendment "A" (S-249)**

(S.P. 635) (L.D. 1791) Bill "An Act To Amend the Oil and Solid Fuel Board and Propane and Natural Gas Board Licensing Laws" (EMERGENCY) Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT reporting Ought to Pass as Amended by Committee Amendment "A" (S-244)**

(S.P. 677) (L.D. 1864) Bill "An Act To Prevent Disclosure of Certain Identifying Information in Child Protective Proceedings" Committee on **JUDICIARY reporting Ought to Pass as Amended by Committee Amendment "A" (S-254)**

(S.P. 687) (L.D. 1888) Bill "An Act To Implement Recommendations of the Drinking Water Program Regarding Public Water Supply Protection" Committee on **NATURAL RESOURCES reporting Ought to Pass as Amended by Committee Amendment "A" (S-263)**

(S.P. 708) (L.D. 1908) Bill "An Act To Implement Recommendations of the Blue Ribbon Commission on Solid Waste Management" Committee on **NATURAL RESOURCES reporting Ought to Pass as Amended by Committee Amendment "A" (S-238)**

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.

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

**REPORTS OF COMMITTEE**

**Divided Reports**

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES reporting Ought to Pass as Amended by Committee Amendment "A" (S-250)** on Bill "An Act To Clarify the Authority of the Department of Health and Human Services To License Residential Parenting Facilities"

(S.P. 333) (L.D. 1016)

Signed:

Senators:

BRANNIGAN of Cumberland

MARRACHÉ of Kennebec

RAYE of Washington

Representatives:

PERRY of Calais

WALCOTT of Lewiston

GROSE of Woolwich

MILLER of Somerville

CONNOR of Kennebunk

WALKER of Lincolnville

CAMPBELL of Newfield

LEWIN of Eliot

FINLEY of Skowhegan

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

Signed:

Representative:

BEAUDOIN of Biddeford

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-250).**

**READ.**

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

The Bill was **READ ONCE. Committee Amendment "A" (S-250)** 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" (S-250)** in concurrence. **ORDERED SENT FORTHWITH.**

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT reporting Ought Not to Pass** on Resolve, To Lower the Cost of State Government (EMERGENCY)

(S.P. 338) (L.D. 1021)

Signed:

Representatives:

BARSTOW of Gorham

BOLAND of Sanford

BEAUDETTE of Biddeford

CURTIS of Madison

JOY of Crystal

HAYES of Buckfield

SCHATZ of Blue Hill

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-264)** on same Resolve.

Signed:

Senators:

SCHNEIDER of Penobscot  
BRANNIGAN of Cumberland  
BENOIT of Sagadahoc

Representatives:

WEAVER of York  
SIROIS of Turner  
COTTA of China

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-264)**.  
**READ.**

On motion of Representative BARSTOW of Gorham, the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

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Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-265)** on Bill "An Act To Require Health Insurance Coverage for Hearing Aids"

(S.P. 537) (L.D. 1514)

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

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-265)**.

**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" (S-265)** 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" (S-265)** in concurrence. **ORDERED SENT FORTHWITH.**

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Majority Report of the Committee on **MARINE RESOURCES** and the Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-252)** on Bill "An Act To Protect Native Diadromous Fish during Their Migration"

(S.P. 551) (L.D. 1528)

Signed:

Senators:

DAMON of Hancock  
DOW of Lincoln  
SNOWE-MELLO of Androscoggin  
MARTIN of Aroostook  
BARTLETT of Cumberland

Representatives:

EATON of Sullivan  
FLETCHER of Winslow  
MacDONALD of Boothbay  
PERCY of Phippsburg  
MAZUREK of Rockland  
ADAMS of Portland  
HAMPER of Oxford  
WAGNER of Lewiston  
ANNIS of Dover-Foxcroft  
MIRAMANT of Camden  
EBERLE of South Portland  
KOFFMAN of Bar Harbor  
DUCHESNE of Hudson  
AYOTTE of Caswell  
BABBIDGE of Kennebunk

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

Signed:

Senator:

SMITH of Piscataquis

Representative:

McDONOUGH of Scarborough

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-252)**.

**READ.**

On motion of Representative KOFFMAN of Bar Harbor, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-252)** 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" (S-252)** in concurrence. **ORDERED SENT FORTHWITH.**

**SENATE PAPERS**

**Non-Concurrent Matter**

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)

Minority (5) **OUGHT NOT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** in the House on June 11, 2007.

Came from the Senate with the Majority (8) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** and the RESOLUTION **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-509)** in **NON-CONCURRENCE**.

On motion of Representative BARSTOW of Gorham, the House voted to **INSIST**.

**Non-Concurrent Matter**

Bill "An Act To Amend the Term Limitation Laws for State Legislators"

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

Minority (4) **OUGHT NOT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** in the House on June 11, 2007.

Came from the Senate with the Majority (9) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-506)** in **NON-CONCURRENCE**.

On motion of Representative BARSTOW of Gorham, the House voted to **INSIST**.

**UNFINISHED BUSINESS**

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

Bill "An Act Concerning Certain Flavored Cigarettes and Cigars"

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

(S. "A" S-230 to C. "A" S-180)

TABLED - June 11, 2007 (Till Later Today) by Representative PINGREE of North Haven.

PENDING - **PASSAGE TO BE ENGROSSED**.

On motion of Representative FITTS of Pittsfield, 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" (S-180) Senate Amendment "A" (S-230)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-544) to Committee Amendment "A" (S-180)** which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Pittsfield, Representative Fitts.

Representative FITTS: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am offering what I consider, and what I hope the members of this body will consider, as a friendly amendment. What it essentially does is changes the wording that says that the Attorney General may do rulemaking, to state that the Attorney General would do rulemaking on this issue no later than January 15, 2008, and that is a "shall" rather than a "may".

It also would ask that the Attorney General report to the Joint Standing Committee on Health and Human Services on the preliminary implementation of this Act no later than February 1, 2008, and then after receipt and review of the report, that the joint standing committee may report out legislation to the Second Regular Session of the 123rd Legislature.

I bring this forward because I think that this bill, with all of its good intentions, had loose language that with it being tightened up actually may help. There are questions as to constitutionality, and in the process of the review by the Attorney General, these issues will hopefully be resolved so that those questions will no longer be hanging out there. Our constituents who own convenient stores, will know what products will potentially be banned, and in this process, be able to transition from those products and at least have some know going forward; so, I offer this amendment and appreciate your support. Thank you.

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

Representative PERRY: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is a friendly amendment, and we do feel that this does strengthen the Attorney General's response to us, and the Committee's ability to respond as well.

I do want to mention, not having a chance to talk about this yesterday, is that this bill came forward as we look at, as a state, reducing the effects of smoking and the health effects of smoking. Candy flavored and fruit flavored cigarettes and cigars are really a new product that is brought forward, specifically aimed at people who initiate smoking, and it is aimed at the younger smokers who start. Statistics also show that people, who get into the habit of smoking, usually start before the age of legality. As a result of this, and in looking at these new products that are candy flavored, we feel that we are protecting the public health and the long-term health of our communities, by banning these. I appreciate the amendment that was brought forward by Representative Fitts, and I would ask that all vote for this. Thank you.

**House Amendment "A" (H-544) to Committee Amendment "A" (S-180) was ADOPTED.**

**Committee Amendment "A" (S-180) as Amended by House Amendment "A" (H-544) and Senate Amendment "A" (S-230) thereto was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-180) as Amended by House Amendment "A" (H-544) and Senate Amendment "A" (S-230) thereto in NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

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

(C. "A" S-198)

TABLED - June 11, 2007 (Till Later Today) by Representative PINGREE of North Haven.

PENDING - **PASSAGE TO BE ENACTED**.

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

Representative MILLS: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I simply want to make a few remarks for the record; to the effect that when you first read the committee amendment, you may be encouraged to conclude that the bill makes much more drastic change than it actually does.

This bill does not contemplate preventative detention, as some states know it; it does not shift the burden of proof onto the defendant, to prove why the person should be released pending trial with a presumption of innocence attached. It does not, in fact, so much dramatically change the burden and the current law and procedure. What it does do, I believe, is basically codify current practice by incorporating, specifically, community safety, public safety into our bail code, where it is now used by custom and trade, and sub rosa if you will, it will now be used officially as a factor in setting bail.

I would note that the Criminal Law Advisory Commission approved of this amendment, finding that the bill did not contemplate a regime of preventative detention, which might be determined to be unconstitutional, but simply a perception of threat to public safety being a factor in the setting of bail, and the burden of proof and presumption of innocence still attached to the bail situation, and all people other than those that are charged with formally, a capital offense, are entitled to the least restrictive bail necessary to protect government interests. Thank you.

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

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HOUSE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (H-507)** - Minority (4) **Ought Not to Pass** - Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Increase the Number of Androscoggin County Commissioners"

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

TABLED - June 11, 2007 (Till Later Today) by Representative BARSTOW of Gorham.

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

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-507)** 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-507)** and sent for concurrence.

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HOUSE REPORT - **Ought to Pass pursuant to Joint Order 2007, H.P. 1329** - Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act Regarding the Central Voter Registration System" (EMERGENCY)

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

TABLED - June 7, 2007 (Till Later Today) by Representative PINGREE of North Haven.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT**.

Subsequently, the Unanimous Committee 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**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence. **ORDERED SENT FORTHWITH**.

## CONSENT CALENDAR

### First Day

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

(S.P. 669) (L.D. 1855) Bill "An Act To Clarify Involuntary Admissions for Psychiatric Hospitalizations" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-266)**

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

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

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

## SENATE PAPERS

### Non-Concurrent Matter

Bill "An Act To Exempt Fuel Used by Commercial Groundfishing Boats from Sales Tax" (EMERGENCY)

(H.P. 969) (L.D. 1377)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-498)** in the House on June 11, 2007.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-498) AND SENATE AMENDMENT "A" (S-284)** in **NON-CONCURRENCE**.

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

### Non-Concurrent Matter

Bill "An Act To Repeal Inactive Boards and Commissions"

(H.P. 1319) (L.D. 1885)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-496)** in the House on June 11, 2007.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-496) AND SENATE AMENDMENT "A" (S-283)** in **NON-CONCURRENCE**.

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

### Non-Concurrent Matter

Bill "An Act To Create Jobs through the Establishment of a Fund To Enhance Maine's Marine Resource Economy"

(H.P. 1325) (L.D. 1893)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-492)** in the House on June 11, 2007.

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

On motion of Representative PINGREE of North Haven the House voted to **INSIST**.

## REPORTS OF COMMITTEE

### Divided Report

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-260)** on Bill "An Act To Ensure Fairness for Maine Businesses"

(S.P. 323) (L.D. 1006)

Signed:  
Senators:  
STRIMLING of Cumberland  
NASS of York

Representatives:  
PIOTTI of Unity  
RAND of Portland  
KNIGHT of Livermore Falls  
CLARK of Millinocket  
WOODBURY of Yarmouth  
HOTHAM of Dixfield  
WATSON of Bath  
CHASE of Wells  
PILON of Saco  
LANSLEY of Sabattus

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

Signed:  
Senator:  
PERRY of Penobscot

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-260)**.

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-260)** 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" (S-260)** in concurrence. **ORDERED SENT FORTHWITH**.

**ENACTORS**  
**Acts**

An Act To Create a 10-year Statute of Limitations for Certain Environmental Violations

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

An Act To Amend the Tax Laws Concerning Certain Motor Vehicle Dealership Transactions

(S.P. 322) (L.D. 1005)  
(C. "A" S-233)

An Act To Amend Certain Provisions of Fish and Wildlife Law

(S.P. 356) (L.D. 1104)  
(C. "A" S-234)

An Act To Create the Board of Speech-language Pathology, Audiology and Hearing Aid Dealing and Fitting

(S.P. 567) (L.D. 1623)  
(C. "A" S-227)

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, Directing the Commission on Governmental Ethics and Election Practices To Provide Historical Data Regarding the Receipt and Resolution of Complaints Pertaining to Legislative Ethics Violations

(S.P. 325) (L.D. 1008)  
(C. "A" S-228)

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

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

HOUSE DIVIDED REPORT - Report "A" (11) **Ought Not to Pass** - Report "B" (1) **Ought to Pass as Amended by Committee Amendment "A" (H-542)** - Report "C" (1) **Ought to Pass as Amended by Committee Amendment "B" (H-543)** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Create Mandatory Minimum Sentences for Persons Convicted of Certain Sex Offenses against Victims under 12 Years of Age"

(H.P. 44) (L.D. 46)

Which was **TABLED** by Representative GERZOFISKY of Brunswick pending his motion to **ACCEPT** Report "A" **Ought Not to Pass**.

Representative CHASE of Wells **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought Not to Pass**.

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 Wells, Representative Chase.

Representative **CHASE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. There are those who prey on children; that fact is devastating, chilling, and all too real. These monsters are not the beasts of fairytales, or the boogeyman in the closet, or the creatures that live under the bed at night. These predators of our young, shop at our grocery stores, walk their dogs on our neighborhood streets, attend our churches, and are in our families.

Unlike the monsters in story books that have horns and one eye, or bloody fangs and breathe fire, these monsters are not easily recognized as evil by our children, because they look like you and me. They do not growl or claw or offer poisonous apples. These are very real monsters. They smile, bring gifts; let you pat their puppy, offer friendship, and the promise of fun. The age group that these horrifying criminals target is the age of innocence: the young who anxiously await Santa's Christmas Eve arrival, who hunt for the treats that the Easter Bunny brings, and who eagerly check for their money that the Tooth Fairy has left under the pillows, in lieu of a pulled tooth.

These monsters I refer to are those who sexually molest a child under the age of 12. Infants, toddlers, preschoolers, elementary, and middle school children are their victims. They strike at the time that children have an absolute trust in adults, and the unwavering believe that the world is a safe and good place. They strike, and that world is destroyed for that child and that child's family. The pain and destruction in the lives of our young is what makes this particular crime so heinous. Who can protect our children from these monsters? Ladies and Gentlemen of the House, we can. We make the laws. Who can lock these monsters up and keep them away from any other children when they have been convicted of sexually molesting a child under the age 12? Again, Ladies and Gentlemen of the House, we can. We make the laws.

Today, we have before us LD 46, that provides, first, that if you are convicted of sexually molesting a child under the age of 12 years old, then you will be sentenced to 25 years in prison. That is enough time to allow that child that was molested, time to grow up without fear of ever confronting their very real boogeyman in their local grocery store, walking down the streets in their neighborhood, at church, or at a family reunion. LD 46 also provides that if you are convicted, God forbid, a second time of molesting a child under the age of 12, then you will serve a life sentence.

There are those that oppose this bill, who would tell you that a mandatory sentence binds the hands of a prosecutor from making deals for a lesser sentence, when the state may not have a solid case. I ask each of you: If it was your child, or your grandchild who was the victim, how would you feel about negotiating for a lesser sentence? How would you feel about explaining to your child or grandchild that the very monster that attacked them may once again be at the store, or on their street, or around the next corner, because a deal for a lesser sentence was negotiated?

There are those that oppose this bill that would tell you that by mandating a sentence for child sex offenders, these crimes will go to trial, and that is extremely difficult for a child to testify in a court of law and face their abuser. I absolutely agree that it would be difficult for a child to testify. But for you to release a monster because our system of making a child testify in court is bad; you change the way that we make a child testify. You do not let the monster loose, because as hard as it is for a child to face their abuser in court, it is even more horrifying for them to know that they may once again have to face them at the stores, on their street, or at the family supper table.

In Waterville, not all that far from here, are 82 registered, convicted child molesters living in that city. Every one of them sexually molested a child. They have committed the crime, been convicted, have served their sentence, and are now free. Right now, as we speak here today, they are shopping in Waterville stores, walking in Waterville's neighborhoods, perhaps attending a Waterville church, and moving freely about in Waterville's children's world. In that one city in Maine are 82 real monsters that have already destroyed the lives and families of more children than there are in all of my oldest grandson's second grade in Wells. Not potential child molesters, but convicted, sentenced, served, and free child molesters, and this information was given to me directly from Waterville's Chief of Police, John Morris.

I am not picking on Waterville. It is not an exception, but an example of a very real problem here in Maine, and it is up to us to fix it, no one else. We can pass LD 46, a law that protects our children, or we can choose not to. We can pass LD 46, a law that will keep those who are convicted, not accused but convicted of sexually molesting a child under the age of 12, off the streets and away from their victims for a very long time, or we can choose not to. Today the choice is yours and mine to make and no one else's.

Ladies and Gentlemen of the House, I ask you if you accept the responsibility to protect our children in Maine, then push the red button and vote against the Ought Not to Pass. If you believe that we should keep these very real life monsters, who are convicted of sexually molesting a child under the age of 12, locked away from our children for a long time, then push the red button and vote against the Ought Not to Pass. If you want it known to the rest of the world that Maine is tough on crimes against our children, that if you are convicted of sexually molesting a child under the age of 12 you will go to prison for 25

years period, then push the red button and vote against the Ought Not to Pass. Thank you.

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

Representative MILLS: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I do not want to rehash the arguments that were stated here on the floor last year on basically the same issue. I want to respond briefly to the gentle woman's remarks, however.

Nobody abhors sexual molestation of children more than I. Every member of this body abhors the sexual molestation of children, I feel certain. Nobody has put more of those child molesters behind bars than I have, among the members of this body. Nobody has had a more difficult time of achieving convictions that we all so desire than I have, among the members of this body.

I will tell you why it is so difficult to obtain convictions: There are children who fear testifying in a public court of law; there are children who have been molested many times by relatives, family members, close friends, and neighbors who put the fear of God in them, so that they fear testifying; there are children who are doubly traumatized when they come to court to testify about an incident that many have happened last week, last month, last year, or even last decade. There is no clear and easy constitutional way to change our court system as the gentle lady has suggested, to remove the confrontation clause of the Constitution, to allow a child to testify without facing in some manner or form the person they are accusing of a horrendous crime. It is a difficult thing to try any of these cases. It is not simply a matter of "changing the way we run our courts," to make it easier to obtain convictions.

But I will tell you in each and every case where there is a mandatory sentence, as this bill proposes, it will be even more difficult to obtain the convictions we so desire to obtain, because each and every one of those cases will go to trial, there is nothing for the defense to lose by going to trial. There is no plea-bargaining, a mandatory sentence is a mandatory sentence, and nine times out of ten, I predict, if this bill were to pass, the person would walk free and the very same so-called monsters we see walking the streets that are not identified clearly, as the gentle lady has so nicely pointed out, will continue to walk our streets because they will be acquitted, because the state will not be able to prove a case, because a child will be too terrified to go to court to testify against dad, Uncle Harry, grandpa, or a neighbor, or someone who has taken advantage of that child. That child will be doubly traumatized for life by having to try to testify against that individual, because I have seen that happen, I have tried those cases where there were mandatory sentences and those where there were no mandatory sentences, and one can achieve a fairer and just result without the Legislature dictating the actual sentence in each and every case, with no flexibility for the prosecutor, with not flexibility for the courts.

Last year's very strong bill that was passed by this body, and by the other body, and enacted into law, requires a presumptive sentence, not a mandatory sentence, but a presumptive sentence, and that is a good law, one that is just now taking effect for crimes committed on or after the effective date of the bill we enacted, that is sometime last year, so it is just beginning to take effect. It is a good law because it leaves a little bit of flexibility for the prosecutor to achieve the fairest result possible on the facts of every different case. I ask you to give that good law a chance to do its work, to create a system that will allow us to prosecute and put behind bars the very individuals of whom the good lady spoke.

Finally, Mr. Speaker, I would ask the Report of the Committee be read, and I would ask my fellow members of this body to accept Report "A" Ought Not to Pass on this bill, so that we can let the work of our body last year do its job, and do it rightly and justly without terrorizing children for a second time. Thank you.

Representative MILLS of Farmington **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

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

Representative **BLANCHETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is déjà vu all over again, except déjà vu a year ago did not include the 44 new members that have come into the 123rd Legislature. When we passed LD 1717 last year, it was a good, strong law that made it, easier is not the right word, but it made it a more workable law for the prosecutors, the judges, to carry out a sentence against these heinous crimes that have been committed against children.

This was not an easy bill to work. I have been on Criminal Justice and Public Safety for seven years, and we have had to deal with some horrific testimony from children themselves that have been molested by family members, dear friends, brothers, sisters, you name it, it has happened, and we have heard about it. It is not easy to sit there and look at these innocent children, and the innocence of life has gone from their eyes because of an adult's horrific actions towards them. But our job is to create law, and to create fair and just law, and in that law comes the fair and just treatment of the victim.

The victim could be a four-year-old child, the victim has been 3-month-old babies, and you have to have in a case like this, the input from your victim witness advocates that work in all of the district attorney offices, and the specialists that deal with children that have suffered traumatic experiences throughout their lives. They will meet with the district attorneys, and I am sure the good Representative from Farmington, Representative Mills, has met with more of these people than she would ever like to tell you about. They have to make an educated decision as to can we get a conviction if I put a six year old child on the stand that is going to say that Uncle Billy did nasty things to me in my bed. Picture it Ladies and Gentlemen. I could get a lot more graphic, and we did have a lot more graphic testimony in our committee, but that is a committee of 13 people that the Speaker and the President of the other body decided to elect to this committee that would bring forth recommendations for law, and we have done that. LD 1717 was passed, went into effect 90 days after the 122nd Legislature adjourned, is just now getting to the bench and the sentencing aspect of these criminals that are out there.

Although well intentioned, LD 46 is going to set back what we did in 1717, and I am going to say this or the new members of the committee, and I am sure, bear with me, that the older members of this body that have heard this before and can probably repeat it verbatim: Mandatory minimums do not good law make. They are not just, they are not fair; in fact, they are downright dangerous to anyone, because when someone is arrested for child molestation, and they know that they are going to go to court, and if they are found guilty they are going to face mandatory minimum: 25. Second offense: never get out. What are the chances of that victim, that very, very vulnerable 3 month old, 6 month old, 4 year old, 5 year old, your grandchild, my grandchild, anybody's child in this House coming out of that molestation alive? Why would they leave a potential victim that could identify them? Think about it. Do you want to take that home and go to bed with it and sleep with it every night? I do not. I could not. It is not good law.

When I take a judge and tie their hands behind their back, I have assumed their position of authority. Nobody has asked me to stick my hand up and be sworn in as a judge anywhere in this state, and thank goodness they did not, because it would not be a pretty sight. But I have to have confidence, and I do have confidence, in the judicial system within this state and within the United States of America. I think it is fair, it is just, and the hands of justice are never easily weighed, but you have to take into consideration of everybody.

I am going to ask you to please follow our light, accept the Majority Ought Not to Pass Report, and do it for any number of reasons, but think back in your own heart: Could you ask your six year old child to take the stand, and repeat in front of a bunch of strangers what Uncle Billy did to him or her in the privacy of that child's bedroom? This is what will happen. Not a pretty picture, but think about it. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I supported our version of Jessica's Law the last session I was here. I supported it, but when I went home I got lumped in with everyone else; it was called a gutless wonder: went to Augusta and not pass laws that we should have and we do not have here.

Then there is some of it, a sex predator moves into Waterboro, and after they flushed him out of there, he moved to my town in Newfield. This man did not just touch a child. He kidnapped her, he raped her, and he beat her, strangled her, and let her for dead. Now I find him living in my town, and my wife said the phone is ringing off the hook. I do not want to go home again and say that I went along with a committee that would not pass the law, again, that the people want. I do not want to be called a gutless wonder again, going to Augusta and being accused of doing nothing, when I did something but it did not do me any good. I do not care about Uncle Billy. Follow my light. Thank you.

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

Representative **FAIRCLOTH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I wanted to provide some, I hope, reassurance, as I think this committee has in showing this as a bipartisan issue.

For the third biennium in a row, we have focused on these issues. I had the honor to serve as chair of a sex crime commission that dealt with these issues, and our primary focus, in a bipartisan focus, we achieved a unanimous report with both Democratic legislators, Republican legislators, with people who were public members, who were criminal defense and prosecutors, achieving a unanimous result where we enhanced the penalty range for sex crimes of all types, against children under 12 years old.

One of the people that I got to know best during that commission effort several years ago, was a guy named Alan Kelley, who is with the Kennebec County DA's Office. He happens to be a Republican, though that matters not to him, he is a complete public servant and a really consciences guy, and one of the most impressive people I have gotten to know during my time in public service. He has probably prosecuted more child molestation cases than anybody else has in this state over, many, many years, and he is really a thoughtful fellow. Regarding that commission report, he was supportive because it could enhance penalty ranges, but did not create mandatory minimums.

Then we move forward to the biennium before this one, and we had the debate about the so-called Jessica's Law last time.



Again, those who are in the Maine Prosecutors Association opposed it.

Now, here again in this biennium, I would just report to you for your consideration that that same position holds. That is to say Democratic prosecutors, Republican prosecutors—these are elected officials—they have come forward and have taken an official position in opposition to this legislation. They care a lot about this. You can go into all different types of practices of law, and they have gone into public service. They are very effective, and in a bipartisan way, they have said, "If you do this, well intended as it may be, it will result in a situation that is more dangerous for kids." I know that is not the intent of anyone, but I encourage people to think of it in that light.

I have handled cases where I defended child molesters. I have been, as an assistant attorney general, had to remove children from a home where molestation has occurred. I feel very strongly about this. But I think that the consensus position, far beyond me, that you hear from the prosecutors of this state in a bipartisan way, should hold, so that we can work together to defeat this measure out of respect for the children of state law, respecting and understanding how people can have a different point of view, why the better policy is Ought Not to Pass. Thank you.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Sykes.

Representative **SYKES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The good Representative from Farmington, Representative Mills, has done an absolutely, excellent job of explaining the unintended consequences, the horrendous unintended consequences of passing this bill, but there is another one.

If this bill were to pass, convictions are more difficult; perpetrators are going to walk free; we will not even get them on the Sex Registry, and that to me is something that is absolutely critical. I will not put my name on a bill, as good intended, as well intended as it is that, in fact, will convict fewer of these sex offenders, and have fewer of them on the Sex Registry. I hope you vote Ought Not to Pass on this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

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

The SPEAKER: The Representative may pose his question.

Representative **CAMPBELL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I hear all of these arguments. How about the Jessica's Law in Florida? Could someone answer me, is it working down there or is it not?

The SPEAKER: The Representative from Newfield, Representative Campbell has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Brunswick, Representative Gerzofsky.

Representative **GERZOFSKY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will not only answer that question, but I would like to speak afterwards.

Last fall, I was invited to go to a weeklong seminar on sex offenders, sex offender registration, and other topics of sex offenders. At that conference in Little Rock, the senator that put the bill in, in Florida, was there. Now we had a conversation, we sat on a panel together, and we discussed this so-called Jessica's Law. I asked him, at the end of our round table, did he have more cases being brought in front of them, their DAs, or less? He was honest and said, "We have not had any." I read only a week ago that they now have one, and it happens to be Jessica Lunsford's brother, which is a little ironic. But last year when we were in Little Rock, the senator that brought the bill

forward was going to bring it back forward again, to look at it, and see what they were doing, because they did find a decrease in the cases brought to them. They do not think the crime went away, but they think that the prosecution went away. They think that parents were not bringing their children forward with those cases, for the exact reasons that the good Representative from Farmington said.

Now I will be glad to speak about what we did last time, last year, here. LD 1717, which some people call "Jessica," my committee named it "Jessica on Steroids," because we decided that spin was going to stop here at this body. We were not going to go along with what became media hype. We sat down with the DAs, we sat down with the victims groups, and we really tried to rework it so it worked right. We put in a law that gave the judges a 20-year window to look at. We were not going to demand that they were going to do mandatory 25 years. We were going to look at 20 years, and if the judge because of the crime could go higher or it could lower. Now everyone in this building would say why would anybody want to go lower? Well, if it was Uncle Henry and he was 75 or 80 years old, and had dementia, you might think of a little bit less time than 20 years. But if he was not and he was a monster that I have been hearing about today, the judge could go much higher, the judge could go to life, the judge could go to 40 years, and the judge can go any place he wants because we gave him that permission, that direction.

Since that law passed, which is last August it went into effect, it has been used a few times since then, because it is not like you have this crime happening every place, every day, but we have had a 20 year sentence, a 30 year sentence, and here in Augusta, we had a 40 year sentence because the crime demanded a 40 year sentence. This bill came in front of us again, this year. The DAs came in to tell us that the law is working, yes it has just started, but it is working. The sentences have gotten much stiffer, the accountability of the judges has become much closer, they know we are watching them; the DA's came and said please keep going down the track you are going, don't pass this bill; we had the advocates come in for sexual abuse, and they said please keep this law going.

Ladies and Gentlemen of the House, this law is working. We do not need to change it. God forbid we should change it, because all we are going to do is go backwards in time, and if you look at what the rest of the country is doing, where they passed it, they are looking at it again. Thank you, Ladies and Gentlemen. Please follow my light on this and kill this bill for the last time.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Plummer.

Representative **PLUMMER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We are very shortly going to vote on LD 46. Ask yourself why 11 members of the Criminal Justice Committee voted Ought Not to Pass. Ask yourself why district attorneys from across the state oppose this law, who said that it is not a good idea. Ask yourself why the advocacy groups all came in and said do not pass this law, it will do more harm.

Last year, this same bill was very divisive in committee. There were a lot of things said that I wish could have been avoided. Fortunately, this year we were able to keep that discussion on a plane of the facts, and we avoided that. I hope we can avoid it here on the floor.

I have had people say to me 25 years is not enough. I agree. We did not have one committee member, and I have not heard one member of this House say that we are being too harsh of sex offenders. The point being made is that we have not done enough. In the one case that was tried in Cumberland County,

the individual did not get 25 years, he got 23 years: the 20 years standard, plus 3 years for an aggravated, aggravating circumstances, and 18 years probation on top of that; granted, it falls short of the 25 years, but I am not convinced that this individual would have been convicted under a 25-year minimum.

Some people have said that we need this as a deterrent. The Department of Corrections testified that a long sentence is not a deterrent. That people who commit these crimes do not think about what happens if I get caught, they do not believe they will get caught. The deterrent effect is just not there.

If we pass this law, or if we vote against the Ought Not to Pass, we would in effect be putting pure perpetrators in prison for less time. We would allow more of these people to be released without serving any jail time, and without being on the Sex Offender Registry. I hope we will not do that. Thank you.

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. It was my town a sex offender moved into, after serving only about eight years, leaving a young girl beaten, raped, and for dead in the woods. That child came to a home, a home where my daughter-in-law lived, who is a registered nurse. The story is not a good one, it is a sad one.

The best thing I could do for myself is vote for this to pass, and I could pat myself on the back and say that I am tough on sex offenders. The best thing that I can do for the children of Maine is vote against it. Thank you.

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

**ROLL CALL NO. 135**

YEA - Adams, Austin, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Blanchette, Bliss, Boland, Brautigam, Browne W, Bryant, Burns, Cain, Canavan, Carter, Casavant, Cleary, Connor, Cotta, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Finch, Fischer, Fisher, Gerzofsky, Giles, Gould, Greeley, Grose, Hamper, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jacobsen, Kaenrath, Koffman, Lewin, Lundein, MacDonald, Marean, Marley, Mazurek, McKane, McLeod, Miller, Mills, Miramant, Muse, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Piotti, Plummer, Pratt, Priest, Rand, Rector, Richardson D, Rines, Samson, Schatz, Silsby, Simpson, Sirois, Smith N, Sutherland, Sykes, Tardy, Theriault, Treat, Trinward, Tuttle, Valentino, Wagner, Walcott, Walker, Watson, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Ayotte, Campbell, Cebra, Chase, Clark, Cray, Curtis, Duprey, Edgecomb, Emery, Finley, Fitts, Fletcher, Flood, Hotham, Joy, Knight, McDonough, McFadden, Millett, Moore, Pinkham, Prescott, Richardson W, Robinson, Rosen, Savage, Saviello, Strang Burgess, Thibodeau, Weaver.

ABSENT - Conover, Cressey, Crosthwaite, Farrington, Gifford, Jackson, Lansley, Makas, Pineau, Richardson E, Thomas, Tibbetts, Vaughan.

Yes, 105; No, 32; Absent, 13; Vacant, 1; Excused, 0.

105 having voted in the affirmative and 32 voted in the negative, 1 vacancy with 13 being absent, and accordingly Report "A" **Ought Not to Pass** was **ACCEPTED** and sent for concurrence.

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

**ENACTORS**

**Acts**

An Act To Improve Road Safety and Update Bicycling Laws  
(S.P. 643) (L.D. 1808)  
(C. "A" S-166)

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

On motion of Representative **MARLEY** of Portland, was **SET ASIDE**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the House voted to **RECEDE AND CONCUR**.

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

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

On further motion of the same Representative, **House Amendment "A" (H-447) to Committee Amendment "A" (S-166)** was **ADOPTED**.

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. This is simply that there has been a failure of communication, surprisingly, between our body and the other Chamber, and we are adding the good Representative from Farmington's amendment back on around the OUI piece; so, it will be back as the House originally intended the bill to be, and sending in down to the other Chamber for Engrossment. Thank you.

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

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

On motion of Representative **TARDY** of Newport, the House **RECONSIDERED** its action whereby it voted to **INSIST** on Bill "An Act To Create Jobs through the Establishment of a Fund To Enhance Maine's Marine Resource Economy"

(H.P. 1325) (L.D. 1893)

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

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

Representative **TARDY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House, and especially my good friend from Cutler. This is language that is in the budget, and it is unnecessary language at this point.

Subsequently, the House voted to **RECEDE AND CONCUR**.

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

**REPORTS OF COMMITTEE**

**Divided Reports**

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Reduce the Cost of the Operation of County Jails"

(H.P. 65) (L.D. 67)

Signed:

Senators:

DIAMOND of Cumberland  
McCORMICK of Kennebec  
SHERMAN of Aroostook

Representatives:

GERZOFKY of Brunswick  
BLANCHETTE of Bangor  
GREELEY of Levant  
HILL of York  
HANLEY of Gardiner  
KAENRATH of South Portland  
HASKELL of Portland  
SYKES of Harrison  
TIBBETTS of Columbia

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-546)** on same Bill.

Signed:

Representative:

PLUMMER of Windham

**READ.**

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

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Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-551)** on Bill "An Act To Amend the Laws Governing Eligibility for the Maine Residents Property Tax Program"

(H.P. 648) (L.D. 849)

Signed:

Representatives:

PIOTTI of Unity  
RAND of Portland  
KNIGHT of Livermore Falls  
CLARK of Millinocket  
HOTHAM of Dixfield  
WATSON of Bath  
CHASE of Wells  
PILON of Saco  
LANSLEY of Sabattus

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

Signed:

Senators:

PERRY of Penobscot  
STRIMLING of Cumberland  
NASS of York

Representative:

WOODBURY of Yarmouth

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-551)** 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-551)** and sent for concurrence. **ORDERED SENT FORTHWITH**.

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Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-548)** on Bill "An Act To Provide a Tax Credit for the Purchase of Small Wind Power Generators for Personal or Small Business Use"

(H.P. 279) (L.D. 349)

Signed:

Senator:

NASS of York

Representatives:

PIOTTI of Unity  
RAND of Portland  
KNIGHT of Livermore Falls  
CLARK of Millinocket  
WOODBURY of Yarmouth  
HOTHAM of Dixfield  
WATSON of Bath  
CHASE of Wells  
PILON of Saco  
LANSLEY of Sabattus

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

Signed:

Senators:

PERRY of Penobscot  
STRIMLING of Cumberland

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-548)** 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-548)** and sent for concurrence. **ORDERED SENT FORTHWITH**.

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#### ORDERS

On motion of Representative BRAUTIGAM of Falmouth, the following Joint Order: (H.P. 1363)

**ORDERED**, the Senate concurring, that the Joint Standing Committee on Insurance and Financial Services shall report out, to the House, a bill relating to changes in Maine's health insurance laws.

**READ and PASSED.**

Sent for concurrence. **ORDERED SENT FORTHWITH**.

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**CONSENT CALENDAR**  
First Day

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

(H.P. 187) (L.D. 216) Bill "An Act To Establish a Financial Literacy Program" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-554)**

(H.P. 572) (L.D. 751) Bill "An Act To Modernize Maine's Accountancy Laws" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-547)**

(H.P. 638) (L.D. 839) Bill "An Act To Establish a Prescription Drug Academic Detailing Program" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-549)**

(H.P. 1054) (L.D. 1504) Bill "An Act To Make Minor Substantive Changes to the Tax Laws" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-550)**

(H.P. 1254) (L.D. 1800) Bill "An Act To Amend Licensing and Certification Requirements" (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-552)**

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.**

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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 (11) **Ought to Pass as Amended by Committee Amendment "A" (H-519)** - Minority (2) **Ought Not to Pass** - Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Establish the Work Group To Review and Recommend Improvements for the Certificate of Need Program

(H.P. 1060) (L.D. 1535)

Which was **TABLED** by Representative PINGREE of North Haven pending **ADOPTION of Committee Amendment "A" (H-519)**.

Representative PERRY of Calais **PRESENTED House Amendment "A" (H-553)** to **Committee Amendment "A" (H-519)**, which was **READ** by the Clerk.

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

Representative **PERRY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In setting up the committee, we inadvertently left out some members, so this amendment adds four members to the workgroup for the program. It is a correction.

Subsequently, **House Amendment "A" (H-553)** to **Committee Amendment "A" (H-519)** was **ADOPTED**.

**Committee Amendment "A" (H-519)** as **Amended by House Amendment "A" (H-553)** thereto was **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-519)** as **Amended by House Amendment "A" (H-553)** thereto and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

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On motion of Representative GOULD of South Berwick, the House adjourned at 3:19 p.m., until 9:00 a.m., Wednesday, June 13, 2007 in honor and lasting tribute to Marie A. Donahue, of South Berwick.