

MAINE STATE LEGISLATURE

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House of Representatives
One Hundred and Twenty-Third Legislature
State of Maine
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ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
FIRST REGULAR SESSION
58th Legislative Day
Friday, June 15, 2007

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

Prayer by Chaplain Warren Doersam, Waldo County Sheriff's Department, Director of Prison Ministry Vision New England, Belfast.

National Anthem by Bethann Renaud, Bowdoin.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 347)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL
AFFAIRS**

June 13, 2007

Honorable Beth Edmonds, President of the Senate
Honorable Glenn Cummings, Speaker of the House

123rd Maine Legislature
State House

Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

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

- L.D. 59 An Act To Restore Continuing Funding for the Maine Institute for Public Safety Innovation
- L.D. 64 An Act To Recapitalize the Maine Downtown Center
- L.D. 93 An Act To Appropriate Funds from the General Fund to the Maine Correctional Center
- L.D. 187 An Act To Increase Access to Child Care and Early Education for Maine's Working Families
- L.D. 190 An Act To Fund Business Attraction Efforts
- L.D. 194 An Act To Establish More Probation Officer Positions in the Department of Corrections for Better Oversight of Sex Offenders
- L.D. 244 An Act To Provide Additional Funding for the Office of Substance Abuse
- L.D. 291 An Act To Expand Workforce Development Programs
- L.D. 374 An Act To Provide Funding for the Maine-Canada Trade Ombudsman
- L.D. 501 An Act To Provide Relief to the Commuters on Casco Bay Islands
- L.D. 611 An Act To Generate Entrepreneurship, Small Business Development and Employment among Women and Rural Residents through Training and Technical Support
- L.D. 647 An Act To Encourage Economic Development
- L.D. 745 An Act To Expand the Maine Economic Improvement Fund
- L.D. 818 An Act To Provide Support for the Volunteer Medical Ride Network
- L.D. 819 An Act To Provide Supplemental Funding for Mileage Reimbursement for Volunteers for Meals on Wheels Programs (EMERGENCY)

- L.D. 862 An Act To Improve Health Care for Maine Children through the Expansion of School-based Health Care Centers
- L.D. 926 An Act To Support the Marine Law Institute
- L.D. 1114 An Act To Appropriate Funds for the School Breakfast Program
- L.D. 1134 An Act To Ensure Access to the Community College for Students in Maine
- L.D. 1224 An Act To Prevent Violence against Maine Families and To Provide Adequate Intervention in Cases of Domestic Violence and Sexual Assault
- L.D. 1279 An Act To Terminate the Authority of the Maine Governmental Facilities Authority

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

Sincerely,

S/Sen. Margaret Rotundo

Senate Chair

S/Rep. Jeremy Fischer

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 396)

MAINE SENATE

123RD LEGISLATURE

OFFICE OF THE SECRETARY

June 14, 2007

Honorable Glenn Cummings

Speaker of the House

2 State House Station

Augusta, ME 04333-0002

Dear Speaker Cummings:

In accordance with 3 M.R.S.A. §158 and Joint Rule 506 of the 123rd Maine Legislature, please be advised that the Senate today confirmed the following nomination:

Upon the recommendation of the Committee on State and Local Government, the nomination of David R. Cheever of Augusta for appointment as the State Archivist.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 397)

MAINE SENATE

123RD LEGISLATURE

OFFICE OF THE SECRETARY

June 14, 2007

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Please be advised the Senate today insisted to its previous action whereby it Failed

to Engross Bill "An Act To Incorporate Binding Arbitration for Monetary Issues in Collective Bargaining for All State, County and Municipal Employees" (S.P. 257) (L.D. 814).

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

ORDERS

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 29)

ORDERED, that Representative Bernard L. A. Ayotte of Caswell be excused May 31 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Robert A. Berube of Lisbon be excused May 24, May 29, May 30, May 31, June 1 and June 4 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Richard D. Blanchard of Old Town be excused June 1 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Patricia A. Blanchette of Bangor be excused June 11 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Richard C. Cleary of Houlton be excused June 1 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Philip A. Curtis of Madison be excused June 1 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Robert S. Duchesne of Hudson be excused June 4 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Brian M. Duprey of Hampden be excused May 22, May 29, June 1, June 4, June 5, June 6 and June 7 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Bonnie S. Gould of South Berwick be excused June 1 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Anne M. Haskell of Portland be excused May 30 and May 31 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Jacqueline A. Lundeen of Mars Hill be excused June 11 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Donald G. Marean of Hollis be excused May 30, May 31 and June 1 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Anne C. Perry of Calais be excused June 6 and June 11 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Wendy Pieh of Bremen be excused June 7 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Benjamin Marriner Pratt of Eddington be excused May 31 and June 1 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Deborah L. Simpson of Auburn be excused May 24 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Richard M. Sykes of Harrison be excused June 4 and June 5 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Joseph L. Tibbetts of Columbia be excused June 12 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Robert P. Walker of Lincolnville be excused June 13 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Thomas R. Watson of Bath be excused May 29, May 30 and May 31 for personal reasons.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the following members of School Administrative District No. 6 Recreation Department Girls Basketball Team, who won the Statewide Recreation Department Basketball Championship for the Grades 3 to 6 Division: Kristen Gagne, Shannon Sanborn, Haley Thorne, Victoria Cady, Anna French, Monique Denney, Brooke Estes, Ashley Daniello, Lauren Whitten, Makayla Gillespie and Megan French. We extend our congratulations to the team on its accomplishment;

(HLS 610)

Presented by Representative MOORE of Standish.

Cosponsored by Representative ROBINSON of Raymond, Senator DIAMOND of Cumberland, Senator HOBBS of York, Representative FARRINGTON of Gorham, Representative MAREAN of Hollis, Senator COURTNEY of York, Representative CRESSEY of Cornish.

On **OBJECTION** of Representative MOORE of Standish, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Moore.

Representative **MOORE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is a great pleasure today, for me to introduce to you a wonderful family from Standish, present in the Gallery: Karen Ike Dalton, and Shannon Sanborn; the Sanborn family is one of the pillars of our community.

It is fitting that this sentiment is occurring right near Father's Day. It is an opportunity to recognize the contributions of a great gentleman in our town, a gentleman who has coached this team and also coached his son's team to the district wide victories. But more than coaching, it is the contributions that the Sanborns make to our town and to our state: A solid Maine family, a wonderful Standish family devoted to one another and to their friends, and devoted to their town, contributing to our community in ways that are too numerous to mention, bringing forward a victory to the team that his daughter played as captain; and also, not in the sentiment yet, the team that his son plays on in our community as well, the baseball team. Thank you very much, Ladies and Gentlemen. I hope that you will make this wonderful family welcome in our capitol today. Thank you very much.

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

Recognizing:

Barry Wood, of Jay, who won the "Little" Jimmy Dempsey Award at the annual competition of the North American Country Music Association, International. The "Little" Jimmy Dempsey Award is a prestigious award given to one person out of hundreds of competitors and recognizes special talent. He also received the 2006 Horizon Award for Traditional Country Instrumentalist. Mr. Wood has been playing the guitar and singing since he was a teenager growing up in the Town of Mexico. He has a very smooth traditional country style of playing and singing. He has performed country western music throughout Maine, New Hampshire, Massachusetts and Canada. He played on the Ken MacKenzie Show and on WRUM Radio in Rumford. Mr. Wood received the Down East Country Music Association's 2005 Traditional Country Entertainer and

Instrumentalist of the Year awards and received the third place award for Traditional Country Male Vocalist. He donates his time and talent to many worthy causes. He serves on the Board of Directors of the Maine Country Music Association and entertains at local clubs and nursing homes. He has a deep love for the youth and is willing to help them realize their musical ambitions. In 2006 he won the prestigious Down East Country Music Association Lenny Breau Memorial Award as well as the Instrumentalist of the Year Award. We extend our congratulations to Mr. Wood on his accomplishments;

(HLS 611)

Presented by Representative PATRICK of Rumford.

Cosponsored by Senator BRYANT of Oxford, Representative PINEAU of Jay.

On **OBJECTION** of Representative PATRICK of Rumford, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **PATRICK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House, Colleagues, and Friends. I have known Barry Wood for many years. I started in the mill, which then was Oxford Paper Company, in 1973. I consider Barry one of my mentors of the good qualities I possess, and I can say the good qualities.

Barry and I shared many things along the road: We both grew up in Mexico, we both were journeyman mechanics for many paper mills in the same location, and we both were union presidents. Barry had a special style as union president: He made sure he dressed real well; the rest of us probably dressed in plain clothes, but he brought a sense of dignity to the office of union president, along with honesty and integrity. From that part of it, we parted ways.

I have no musical ability whatsoever, but I have known Barry's musical talent for many, many years. In 1973, I went to a club called La Patasuers Snowshoe Club and heard him play for the first time, and I will never forget: He sang "Once We Get Behind Closed Doors." He actually did a real good job, but I was a rock 'n' roller back in the 70's and really was not too appreciative of his style of music. But over the years, I have become fond of country music and have understood just the quality that he possesses.

He has had many awards over his years, but since 2005, is really when he started blossoming in his competitiveness. Mr. Wood received the Down East Country Music Association's 2005 Traditional Country Entertainer and Instrumentalist of the Year awards and received third place for the Traditional Country Male Vocalist. Then in 2006, he also received the 2006 Horizon Award for Traditional Country Instrumentalist.

He also won the prestigious Down East Country Music Association Lenny Breau Memorial Award as well as the Instrumentalist of the Year Award. He also won the "Little" Jimmy Dempsey Award at the annual competition of the North American Country Music Association, International. The "Little" Jimmy Dempsey Award is a prestigious award given to one person out of hundreds of competitors and recognizes special talent.

Barry has this wonderful, beautiful talent of singing, but one of the things that really impressed me the most is, my mom is in a nursing home and I went there one day and all of the seniors gathered and here was Barry playing, giving up a couple of hours of his time, singing to all of the residents of the nursing home and I saw the joy and the love that poured out from Barry and the residents of the nursing home. I found out later on that he does this to several nursing homes.

Knowing that he donates his time and talents, to me, makes him really a wonderful person. I am really honored and blessed to have the opportunity of knowing Barry, listening to him play, watching him receive these many, many awards; and I thank him for his many gifts to the people in the nursing homes, throughout the community and to the State of Maine. I thank you very much, Mr. Speaker.

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

REPORTS OF COMMITTEE**Divided Report**

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Make Criminal Background Checks and Department of Health and Human Services Child Protective Substantiation Checks on Volunteers More Affordable"

(H.P. 978) (L.D. 1386)

Signed:

Senators:

BRANNIGAN of Cumberland

MARRACHÉ of Kennebec

RAYE of Washington

Representatives:

PERRY of Calais

GROSE of Woolwich

MILLER of Somerville

BEAUDOIN of Biddeford

WALKER of Lincolnville

CAMPBELL of Newfield

LEWIN of Eliot

FINLEY of Skowhegan

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-582)** on same Bill.

Signed:

Representatives:

WALCOTT of Lewiston

CONNOR of Kennebunk

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

Representative PERRY of Calais moved the House accept the Majority **Ought Not to Pass** Report.

READ.

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

Representative **WALCOTT**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I am not going to ask for a roll call on this bill; however, I wanted to bring to your attention a loophole, what I consider a loophole in our current laws.

I brought this bill forward, and I did so, on the request of a constituent from Lewiston who works with Little League. What this bill would do is, currently, if you have volunteers that work for your organization and work with children, you are not required to do criminal background checks on volunteers. Some groups choose to do it, but it is quite expensive for a group that has volunteers. It is \$25 per check for each of those departments, so some groups choose not to do it. It is kind of a loophole for someone who may want to, basically, may not want to treat the

children so well, to be able to get a job working with children, even in a volunteer capacity.

What this bill would do is, it would not say it would be free; it does not require people to do it for volunteers, but it they choose to do it, it would be \$3 per check versus \$25. The problem that I think many people on the Committee probably had, if you look at the Report, is the departments came in and said it is going to cause a big fiscal note, because currently we get \$25 per check. Well, there was some question as to many groups are not currently doing it right now, but they may do it and then would be paying \$3. But the question of the fiscal note, as many of you know, usually is left to the departments and what they think is right.

I just wanted to bring this forward as an issue that we are going to need to resolve at some point, because having volunteers that do not have background checks done on them, working with children, and I do not have any children myself, but it is a concern that people may be getting in to work with children that should not be there. I will not ask for a roll call, because the report is an 11-2 Report, but I just wanted to bring it to your attention that at some point, we are going to have to resolve this issue. Thank you, Mr. Speaker.

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. I would like to add a little bit more to this, because there was a great deal of discussion when we went through this.

There were two things that came up: One, was Health and Human Services, the place to do that check, because the only thing Health and Human Services checks is are there anything in terms of responsibilities to children, neglect and that kind of stuff. The kind of check, I think, that we were looking for was really a criminal background check, which we talked to, or had some discussion with the Department of Public Safety around this. So the decision was to let the conversation continue and at some point, probably will come back with a resolution that does not necessarily need a public law to do that. We decided to do an Ought Not to Pass and let the work continue. Thank you.

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

CONSENT CALENDAR

First Day

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

(H.P. 558) (L.D. 737) Bill "An Act To Promote Forest Management Planning and Certification" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-585)**

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

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

ENACTORS

Emergency Measure

An Act To Clarify the Definition of "Physical or Mental Disability" in the Maine Human Rights Act

(S.P. 344) (L.D. 1027)

(C. "A" S-248)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-

thirds vote of all the members elected to the House being necessary, a total was taken. 130 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Exempt Fuel Used by Commercial Groundfishing Boats from Sales Tax

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

(C. "A" H-498; S. "A" S-284)

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

Emergency Measure

An Act To Amend the Oil and Solid Fuel Board and Propane and Natural Gas Board Licensing Laws

(S.P. 635) (L.D. 1791)

(C. "A" S-244)

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

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

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 122 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Resolve Pursuant to the Constitution Public Land

Resolve, Authorizing the Department of Conservation, Bureau of Parks and Lands To Convey Certain Lands

(H.P. 1347) (L.D. 1913)

(C. "A" H-520)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 23 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 130 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Require Mapping of Conservation Easements and Public Lands

(S.P. 92) (L.D. 277)

(C. "A" S-253)

An Act To Strengthen the Crime of Gross Sexual Assault as It Pertains to Persons Who Furnish Drugs to Victims

(S.P. 116) (L.D. 372)

(C. "A" S-251)

An Act To Amend the Motor Vehicle Laws
(S.P. 168) (L.D. 513)
(C. "A" S-242)

An Act To Provide Maine Land Conservation Tax Incentives
(H.P. 422) (L.D. 544)
(C. "A" H-528)

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
(S.P. 312) (L.D. 995)
(C. "A" S-262)

An Act To Ensure Fairness for Maine Businesses
(S.P. 323) (L.D. 1006)
(C. "A" S-260)

An Act Regarding Local Plumbing Inspectors
(S.P. 376) (L.D. 1188)

An Act To Reduce Foreclosures
(S.P. 430) (L.D. 1244)
(C. "A" S-239)

An Act To Prohibit the Sale or Distribution of Software That Contains Inappropriate Advertising of Prescription Drugs
(H.P. 1009) (L.D. 1440)
(C. "A" H-481)

An Act To Repeal Strict Foreclosure
(S.P. 561) (L.D. 1617)
(C. "A" S-255)

An Act To Expand Exemptions from Licensing Laws for Professional Engineers
(S.P. 566) (L.D. 1622)
(C. "A" S-240)

An Act Relating to Retirement and Death Benefits for Certain Law Enforcement Officers
(S.P. 577) (L.D. 1672)
(C. "A" S-257)

An Act To Amend the Child and Family Services and Child Protection Act
(S.P. 596) (L.D. 1689)
(C. "A" S-247)

An Act To Amend the Statute of Limitations for Actions against Professional Land Surveyors
(S.P. 617) (L.D. 1750)
(C. "A" S-249)

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
(S.P. 666) (L.D. 1850)
(C. "A" S-267)

An Act To Prevent Disclosure of Certain Identifying Information in Child Protective and Other Court Proceedings
(S.P. 677) (L.D. 1864)
(C. "A" S-254)

An Act To Create the Competitive Skills Scholarship Fund and To Improve Maine Employment Security Programs
(H.P. 1317) (L.D. 1884)
(C. "A" H-503)

An Act To Repeal Inactive Boards and Commissions
(H.P. 1319) (L.D. 1885)
(C. "A" H-496; S. "A" S-283)

An Act To Implement Recommendations of the Drinking Water Program Regarding Public Water Supply Protection
(S.P. 687) (L.D. 1888)
(C. "A" S-263)

An Act To Allow Blended Sentencing for Certain Juveniles

(S.P. 691) (L.D. 1897)
(C. "A" S-277)

An Act To Include Institutions Providing an Educational Program among Entities Eligible To Borrow from the Maine Health and Higher Educational Facilities Authority
(H.P. 1332) (L.D. 1899)
(C. "A" H-533)

An Act To Implement Recommendations of the Blue Ribbon Commission on Solid Waste Management
(S.P. 708) (L.D. 1908)
(C. "A" S-238)

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

Resolves

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

Resolve, Directing the Department of Economic and Community Development To Review and Report on Whether a State Tax Increment Financing Structure Should Be Established To Support Economic Development in Washington County
(H.P. 560) (L.D. 739)
(C. "A" H-523)

Resolve, Directing the Commissioner of Economic and Community Development To Convene a Working Group To Advance the Redevelopment of Mill Buildings
(H.P. 596) (L.D. 780)
(C. "A" H-499)

Resolve, To Determine the Impact of Funding for State Higher Education on the Distribution of Higher Education Costs among Families, Taxpayers and Publicly Supported Institutions of Higher Education
(S.P. 355) (L.D. 1103)
(C. "A" S-269)

Resolve, To Create Improved Employment Opportunities for People with Disabilities
(S.P. 515) (L.D. 1467)
(C. "A" S-258)

Resolve, Directing the Bureau of Revenue Services To Convene a Study Group on Excise Tax Enforcement
(H.P. 1190) (L.D. 1707)
(C. "A" H-526)

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

An Act To Prevent Overcharging for Prescription Drug Copayments
(H.P. 607) (L.D. 807)
(C. "A" H-482)

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

On motion of Representative PERRY of Calais, was **SET ASIDE**.

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

An Act To Prohibit Unauthorized Contact of Persons Convicted of Sex Offenses against Persons under 14 Years of Age with Persons under 14 Years of Age

(S.P. 518) (L.D. 1491)
(C. "A" S-256)

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

On motion of Representative SYKES of Harrison, was **SET ASIDE**.

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

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

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

ROLL CALL NO. 147

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

NAY - NONE.

ABSENT - Cressey, Duprey, Emery, Fitts, Jackson, Lansley, McFadden, Millett, Muse, Piotti, Plummer, Richardson E, Sutherland.

Yes, 138; No, 0; Absent, 13; Excused, 0.

138 having voted in the affirmative and 0 voted in the negative, with 13 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Protect Families and Enhance Public Safety by Making Domestic Violence a Crime

(S.P. 571) (L.D. 1627)
(C. "A" S-276)

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

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

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

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

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

ROLL CALL NO. 148

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

NAY - NONE.

ABSENT - Beaudoin, Cressey, Duprey, Emery, Fitts, Jackson, Lansley, McFadden, Millett, Miramant, Muse, Plummer, Richardson E, Sutherland.

Yes, 137; No, 0; Absent, 14; Excused, 0.

137 having voted in the affirmative and 0 voted in the negative, with 14 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (11) **Ought to Pass as Amended by Committee Amendment "A" (H-572)** - Minority (2) **Ought Not to Pass** - Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Authorize the Operation of Slot Machines on Indian Island in Old Town"

(H.P. 532) (L.D. 701)

TABLED - June 14, 2007 (Till Later Today) by Representative PATRICK of Rumford.

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

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

Representative **BLANCHETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. My tirade is about to begin again and I am sorry if I bore you, but this needs to be said, and it needs to be said publicly as many times as this bill appears before this body.

I need to read to you some testimony, just experts of it, from the Gambling Control Board Executive Director Bobby Welch, when he appeared before our committee, when this bill was heard publicly, and he testified against LD 701. He said, "The administration has consistently been opposed to any expansion of gambling in Maine, beyond what the voters approved by referendum. This bill goes beyond what the people approved in several respects: First, this bill has no nexus requirements between the slots and the operators, or location of a commercial

track and it eliminates the 100-mile proximity set in the original law." This was just part of his testimony opposing this.

I have been respectfully and lovingly at odds with members of my Committee on this, and I do believe, for any number of reasons. I need to clarify some facts that were laid out that were in error. I have called Penn National to find out what they paid for an operators slot license, and believe it or not—surprise, surprise—it is not based on the number of slot machines that you operate. There is a set fee in the State of Maine to be an operator of slot machines. That set fee is \$200,000, so how do you justify lowering the \$200,000 fee for one entity, when you charged another entity a different price?

There are any number of exceptions in this bill for the Tribe to operate slot machines on Indian Island. I believe that you are setting a dangerous precedence if you allow exceptions to the rules. What you need to do is Indefinitely Postpone this bill; send it back to the archives, if you so choose and it is your privilege, you are the rule makers in the State of Maine. Go back and amend the laws, the laws as they are stated on the books, right now, are very, very clear: To do anything other than what the law requires, without enacting new legislation to change that law, is, in my humble opinion, against the law. We were not given the authority to randomly pick out laws that we wanted to adjust without legislation. There is a process that we go through that holds everybody equally responsible under every law, without exception. This is no different, so I am going to ask you to reject the Majority Ought to Pass as Amended Report out of this Committee, and we will move on to pass the Minority Ought Not to Pass for any several reasons that I have mentioned. I am sorry if my tirade has brought you to the point of tears and boredom and a nap needed, but it really needed to be said. With that, I thank you for your indulgence, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Moore.

Representative **MOORE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The comments of my good colleague from Legal and Veterans Affairs, while not much of a tirade, do need some explication, I believe.

The Legal and Veterans Affairs Committee heard a lot of testimony about this measure. The testimony of the Executive of the Gambling Control Board was only mildly critical of the proposal and only from the standpoint that he was reflecting the philosophical bench of the current Executive Department, anti-gambling or what have you, expansions of gambling.

An interesting point that came up during our hearing, was some testimony related to it, by the gentleman who represents that Lottery Commission. During that testimony, we asked him about how was it consistent with an Executive Department philosophy against the expansion of gambling, how was it consistent when during the past five years, at least that I have been on this Committee, the state has consistently added numbers of scratch tickets, numbers of opportunities for gambling; and most recently, added a scratch ticket, I believe that is in the \$20 category, and a certain number of those tickets, up to 35 or 40 of them, qualify an individual to go to Las Vegas to gamble: Out-of-state, Maine money to Las Vegas.

The testimony about the consistency on not expanding gambling really does not hold up. That bridge has been crossed and why revisit repeatedly? We have already expanded gambling and we are making money off it, and we all know that. Thank you very much.

Representative **TUTTLE** of Sanford **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 Penobscot Nation, Representative Loring.

Representative **LORING**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I introduced LD 701, an Act that will allow the Penobscot Nation to operate up to 400 slot machines with their High Stakes Bingo games. I would like to tell you why and give you a little background.

High Stakes Bingo and slot machines are not new to the Penobscot Nation. Penobscot Nation first began playing High Stakes Bingo and supplementing the game with slots back in 1974. Penobscot Nation was the first in the country to start a High Stakes Bingo game that brought in players not only from other states, mostly New England, but Canada as well. We were very successful in bringing in much needed revenue for our tribal government. Penobscot High Stakes Bingo allowed the Penobscot Nation an economic resource that was not derived from the state or the federal government. For the first time since colonisation, we were able to provide for ourselves. We no longer had to beg government for grants or funds. We had a brief glimpse of what economic, self-sufficiency was like. But the games were a source of contention to the State of Maine. State law did not allow gaming at that time.

In 1980, the Tribes and state, signed into law the Maine Indian Land Claims Settlement Act. Penobscot Nation and Passamaquoddy Tribes had agreed in the Settlement Act, to abide by state law. Still, the Penobscot Nation felt that it had the right to continue its High Stakes Bingo, as the proceeds supported tribal government. Penobscot Nation felt that therefore, it should be considered an internal tribal matter; thus, under complete tribal jurisdiction. A court battle ensued. Penobscot Nation stopped playing High Stakes in 1983, after the United States Supreme Court let stand a Maine Supreme Court decision that found in favor of the State of Maine.

Four years after that decision, the United States Supreme Court did rule in a California case and they found the following: that state and local government may not regulate High Stakes Bingo games and other gambling operations on Indian reservations. The ruling was reported in a Maine newspaper article, written by the Associated Press. The article was titled, "Tierney Says Penobscots May Benefit." It explained that since after the refusal by the US Supreme Court to hear their case, the Penobscots have repeatedly pressed for legislation that would allow the games to resume. The Tierney article was dated February 26, 1987.

It was obvious to then Attorney General Tierney that this ruling did not legally bind Maine, due to the language in the Settlement Act that placed the Tribes under Maine law; however, Attorney General Tierney felt there was a fairness issue here: Tribes from all over the country were allowed to play High Stakes Bingo without state interference. He stated the ruling had a symbolic significance for the effort to restore the High Stakes Bingo games on the reservation on Indian Island. He went on to say that if he were still in the Legislature, he would vote in favor of the bill to allow High Stakes to be played.

Penobscot Nation has been pressing legislation to regain its full operational status, since the loss of its operation in 1983: 24 years, almost a quarter of a century. It may or may not be common knowledge that after Penobscot High Stakes was shut down in 1983, the Penobscot Nation helped the Pequot Tribe in Connecticut to establish its High Stakes Bingo with slot machines. The Penobscot Nation managed and operated that facility. The Bingo operation in Connecticut opened its doors in 1988. It has since become known as Foxwoods Resort Casino and is one of the most highly, successful casinos in the world. It all started with the planting of a High Stakes Bingo seed. It was

to start a wave of Indian gaming industries throughout the United States.

The Indian gaming industry has grown tremendously since that time. Indian casinos brought in \$12.8 billion in 2001, \$22.5 billion in 2005, and \$25.1 billion in 2006. I find it more than ironic that the Penobscot Nation, the same entity that planted the seed for Indian gaming, an industry that is making billions of dollars across this country, and the same entity that partnered with the Passamaquoddy Tribe to offer this state millions of dollars in jobs and in tax revenue, are now reduced to asking for a mere 400 slot machines just to survive.

On May 27, 1987, the House voted 134-5 to allow High Stakes Bingo to be played on all federally recognized Indian reservations in Maine. Governor McKernan signed the bill into law June 4. High Stakes Bingo was allowed, but we were not allowed to resume full operations, slot machines were prohibited. We resumed our High Stakes Bingo games under very specific laws that limited the number of weekends played and prize money awarded. We also paid a fee; the fee was a license fee of \$50,000 a year. We reluctantly accepted the ruling and were actually able to sustain our tribal government services, such as fire and ambulance, public safety and health services, until this past year, when Hollywood Slots started its operation. The High Stakes Bingo operation brought in between \$200 and \$250,000 a year for Tribal Government operation.

This past year, we have seen our revenue drop from \$200,000 plus, to \$3,800. We cannot survive with that kind of loss. We need to have our full operation back, so that we can at least compete on some small level. I echo words of former Attorney General James Tierney: There is a symbolic significance existing in the State of Maine today. There is indeed a fairness issue.

Since 1983, Maine has legalized and expanded gaming to include the Maine State Lottery, Powerball, off track betting, many variations of scratch tickets, harness racing; and finally, a racino, Hollywood Slots in Bangor, located just ten miles from the Penobscot High Stakes Bingo site.

Since 1983, gambling has become a huge part of the state budget and the state has grown highly dependent on that income. I once asked former Governor King, why, if he was so against gambling, hadn't he submitted a bill to get rid of it? He simply said, "We can't. We are addicted to it, we can't afford to get rid of it." There is a symbolic significance here and it is a double standard, one where the state makes millions of dollars on gaming and its expansion, and we make nothing. It is plain to see the economic injustice that currently exists. We are simply asking to be granted the same economic opportunity that state government has and that Hollywood Slots has been given.

I ask you to help us sustain our tribal government and finally allow us to resume our total High Stakes operations. We are not asking for a handout. We are simply asking for the return of an economic tool that was taken from us 24 years ago. It is our goal, our dream, to become economically self-sufficient. We ask you to make our operation whole once again. It is my personal belief that in this new, expanding, global economy, that an economically healthy and self-sufficient Native community can be a tremendous asset to surrounding communities, as well as the State of Maine. Thank you.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Hogan.

Representative **HOGAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition of this motion as well, but not for the same reason that the good Representative from Bangor has posed. I rise in opposition to this and any other form of gambling that goes on in

Maine. As this proceeds down the road and the expansion of gambling happens in the State of Maine, the financial structuring, the way it exists, is very adverse to the State of Maine.

The Penn National operation in Bangor gives 61 percent to themselves and 39 percent to the state. The Indian Nation, their proposal is somewhat similar, 59 percent, I believe, to the Indians and 41 percent to the state. This new proposal, I am not sure what it is, but I am sure it is along the same lines. Do we realize or accept the needs that we have in this state and realize what that 39 percent and 41 percent go to? It goes to off track betting parlors, individuals that own businesses; it goes to racetracks, another business; it goes to sire stakes and the like. There certainly is something in there for University of Maine; I believe it is 2 percent for the most part. But this financial structuring will be the ruination, not the ruination of the state, but as this gambling proceeds and develops, we had another inquiry into a proposal to start a racino in the area of Gorham, the same financial structuring. Until we get that squared away, we should not, and I will not, ever support any of these ventures.

I have been told by a member of the Gambling Control Board that that percentage, which I just spoke of, is the highest in the United States of America. Why are we the saps? Why do we give away as much money as that? Don't we negotiate properly? What is wrong with us? I am opposed to this, and as I said, I will never support any of these ventures. 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. I rise in favor of this motion. We really talk about equity; we talk about economic development and fairness. I think one of the things that we need to realize, is we are talking about the ability of a community to take care of itself.

There is an enormous disparity that exists in both overall health status and access to health for the American Indian Nations. The impact of this disparity is felt throughout the Indian country, and this includes the Passamaquoddy and the Penobscot Nations. Native people experience higher disease rates and lower life expectancy than any other racial or ethnic group in the country. Indians experience, exponentially, higher rates of diabetes, mental disorders, cardiovascular disease, pneumonia, influenza, and injuries. The infant mortality rate is 150 percent greater for Indians than that of white infants. Indians have the highest prevalence of Type II Diabetes in the world and are 2.6 times more likely to be diagnosed with diabetes. Indians have a life expectancy, five years less than the rest of the US population.

There is an enormous disparity that exists in both overall health and access to healthcare facilities. The prosperity of a community is directly tied to the overall physical and behavioral health of the people within that community. I ask, in the sake of fairness and undoing some disparity that has been a lifelong issue, that you vote in favor of this motion.

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. I could not agree more with the good Representative from the Penobscot Nation: It is about fairness, it is about fairness to all of the people in the State of Maine. You do not have special rates for one section of the state and increased rates for the other. I do not think that the Legislature, as a body, would shine favorably if a bill was introduced that 50 percent of the winnings that would take place at the Nation or in any other thing, went back to Penn National to offset their loss.

The name of the game is competition. Penn National was not given anything. They negotiated everything they have; they paid \$55 million to Shawn Scott Properties to come into Bangor to start the negotiations, the fees that they have to pay yearly are staggering and they pay this whether they make money or not, if they want to keep going. The annual renewal fee for a slots operator, it does not matter if it is two slots, four slots, or a thousand slots, is \$75,000. One hundred dollars per machine, per year, registration for each slot machine. It is about fairness, Ladies and Gentlemen, and this is blatantly unfair to a business that came into this state, negotiated a contract, and expects everyone else to be treated equally the same way. The Legislature has chosen to disregard the laws that are on the books and instead of going in the right way and changing the law, and then introducing these bills, have chosen to go through the back door. This is not our most shining moment in Maine history.

If passed, I think we are going to feel a little bit of shame. It is about fairness, Ladies and Gentlemen. The good Representative from Standish, Representative Moore, took exception to what I had said; because he said gambling is being expanded all over the state through the lottery: He is correct; he is not wrong. But the people in the State of Maine, any number of years ago, voted to bring in Maine State Lottery. Maine State lottery does not, has not, will not operate under the Maine gaming laws. The Maine gaming laws were created; they are a creature of slots, so there is two different sets of gaming laws. We own, the State of Maine, you and I, everybody in this building, the people on the second floor that are so opposed to gambling, own the Lottery. You know, if you do not want it, all it is going to take is an executive order to move to abolish the Lottery, if it is such a horror and it is such a nightmare.

This is about fairness, Ladies and Gentlemen. You cannot compare the escalation of lottery ticket sales and production to what is going on in the slot business. The slots and the gaming laws are a negotiated contract—a negotiated contract—the laws were crafted around that contract. Good, bad, or ugly, this is what it is. Fairness says all people that reside within the borders of the State of Maine, will operate under the same set of rules. There is not a rule for you and a rule for me; it is about fairness, Ladies and Gentlemen.

I need you to look at the bill before you; I need you to look at the added cost that you are going to have to incur in this budget—this budget. We need two more enforcement officers through the State Police: You are talking about \$400,000. Who has that in their budget that they want to flop onto the table? Think about it: This is not a revenue neutral bill. It is going to cost John Q taxpayer a lot of money—that money is not there. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Sullivan, Representative Eaton.

Representative **EATON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will, I promise, speak very briefly on this 11-2 Majority Report. I agree very much with my good friend, the good Representative from Bangor, about fairness: You are absolutely right, this is about fairness.

But another comment, one that I did not agree with, was I might be ashamed if I cast this vote in favor of our friends from the Penobscot Nation. I will absolutely not be ashamed. I will be proud. I have watched this Legislature stand up to assist our friends from the Indian Nations throughout this legislative session, who are trying to help themselves. They have had this opportunity before, they deserve this opportunity again.

We talk about employment in the State of Maine: 70 people are employed in an Indian Nation of 500, 70 of them employed

currently by High Stakes Bingo. Those jobs, right now, are in huge jeopardy as a result of our previous actions in supporting Hollywood Slots. I want to see those 70 jobs on Penobscot Nation maintained. I would like to see them add more jobs, which I am convinced that they will do, which will benefit the Penobscot Nation, and I would much rather see the slot money stay right here with our friends in the Penobscot Nation, than go somewhere else out-of-state.

We do have an opportunity, once again, to do something for our friends in the Indian Nation of Maine. I hope we step up and take that opportunity. Thank you very much, for your time.

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

Representative **PIEH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I, too, rise in support of the pending motion. I just want to shine a little light on this on where the funding goes and where it is required to go: Any profits that come in, go 20 percent for education, 19 percent for economic development, 17 percent for healthcare, 17 percent for police and fire that may help some of the concerns of the good Representative from Bangor about police and fire protection, 16 percent for infrastructure and 11 percent for housing. I hope you will join me and support the pending motion.

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

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

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

Representative **PATRICK**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House, Colleagues, and Friends. First of all, I want to start out by saying that I will always be endeared to my colleague from Bangor, Representative Blanchette. She and I bitterly fight this issue each and every time, I respect her 100 percent, and after this battle is over and the next battle is over, I will still love and respect that wonderful lady.

So let me start out, Ladies and Gentlemen, the first thing I would like to say is we talk about making changes, whether it is right or whether it is wrong. Citizen Initiative has been passed continually over the years, this year we all voted on Clean Elections reform. Oh my goodness gracious, can we change the Clean Elections? That was a citizens' initiative. This is a legislative body, we are lawmakers, of course we can change laws.

What is this bill doing? This bill is making a change to LD 1820, which is already on the books, Ladies and Gentlemen. The fee, in that committee, of \$200,000 was set for the potential two racinos that could come into the state, that were going to have 1,500 slot machines. Actually, the Citizens Initiative did not have any limit on the amount of slot machines; but the good work of the Committee, both Representative Blanchette, I, and the other committee members, saw it fit to put a cap on the only surviving racino at \$200,000.

Now how did we come up with the figure that I had for the difference in application fee? Well, if you take 1,500 slot machines, you divide it into the \$200,000, that will basically give you a per machine fee. You multiply that by \$400 and it will come close to the \$55,000 fee that is there. Is that fairness? It is not apples to apples by the penny, but it is apples to apples in fairness, as far as I am concerned.

You have heard from several Representatives about the Indian Nation had slot machines and High Stakes Bingo for years and they were taken away. I will tell you why, I believe, they

were taken away: It is the same thing I am fighting for this bill and for the next bill, which I am not going to mention because I do not want anyone to stand up and slap me, but they were taken away because there was no oversight. We now have a central site monitoring system where every dime and penny is monitored to the penny, or it had better be close and they had better have some reasons why. That same electronic validation, the same law that is on the books for LD 1820 and for Hollywood Slots, is going to be here because the Committee believes in sound policy. We have to have this and we have to have consistency in all of the slot machine changes if there are any to be made, and I would stand for 100 percent behind that.

Hollywood Slots, or Penn National, did not actually come out against this bill; they were neither for nor against. One of the biggest selling points for the Penobscot Indian Island, 400 slots, is probably the only business in the state that I know of, and I may be corrected and stand up if you know of another one, that has 85 percent of their customers trucked in from Canada and out of state. Now that is one heck of a wonderful business model, Ladies and Gentlemen. But guess what? The adverse effect of trucking those people in for High Stakes Bingo, is they play the High Stakes Bingo on the first night, then go down to Hollywood Slots and then they lose some of their revenue, they do not play the next night. We are looking for fairness? We did not take into consideration when we did LD 1820, the adverse effect that it was going to have on the Indian Nation, and I feel bad about that, this is one of the ways we can rectify it.

I will say publicly that I really do not like how the monies are broken down here, but it was sold in a Citizen Initiative that monies were going to be earmarked for certain things, but I do agree with the things and where the monies are going in this bill. If it was me, there will be a bill probably coming forward later on, that will have monies earmarked in a different way; but the monies in this bill are earmarked in a manner I can accept that they are going to do good things, especially for education and adult education.

The community of Old Town, I believe, will probably be getting 5 percent, although it will be a lot less than the 3 percent that Bangor gets, because it is going to be a lot smaller outfit, it is still going to be a good kick in the pants, and I am sure it will help the taxpayers.

I have gone to Las Vegas, I have gone to Atlantic City, and I have gone to Foxwoods. What is the benefit of the industry? Not all racinos/casinos have the same payout and why is that? If you payout 89 percent, which is the low point in the law, or you pay 91 percent out or 93 or 95, even in Las Vegas, there is one place that pays out 99 percent of the time, what does that do? It lets you have more fun or hang on to your money a little bit longer. I am sure the Tribe will be a benefit to the consumer, who uses their dollars for recreational gambling, because it is competition. It is only going to serve as a positive.

Everywhere I have been, if one place is paying 89 and the slots are tight, well guess what? You move on to the next place. The benefit the people brought in by the Tribes, there will still be a wash back and forth because one thing I know, when I have gone to Foxwoods, if I am not doing well there, well we take a ride over to Mohegan Sun; if I am in Atlantic City, if I am at the Tropicana and am not doing well, I take a walk over to the Taj Mahal. Both businesses will benefit by this.

It is important, Ladies and Gentlemen, yes that we have fairness. I believe there is fairness built into this, and I believe that the Committee will continue to build fairness in slot machine bills that should come out. If there is going to be another slot machine in Washington County, Ladies and Gentlemen, it is going to come under the same LD 1820 rules and regulations,

the only difference is that it is going to take three people to run the Washington County one, and it is only going to take two people. There are two people in this bill, why is that? Because the central site monitoring system is already up and running. It was not built to handle 1,500 slot machines; it can probably handle 10,000 slot machines. I do not know the exact figure, but I know it can be expanded with minimal, minimal dollars.

Ladies and Gentlemen, I will sit down because I am probably sure I am going to stand back up in a little while, a little later on, but I would ask you to search your heart, do the right thing. We cut the licensing fee for the Tribe this year by \$25,000 because their income is shrinking. The state gave back High Stakes Bingo to the Tribe because their income was disappearing. Let us do the right thing. Their income has been adversely affected by the racino passed by the Citizens' Initiative, the bill worked by the committee, let us do the right thing and vote Ought to Pass as Amended. Thank you.

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

Representative **NASS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I do not want to become part of the "On and On Club," and I do thank my good Lithuanian friend, Representative Patrick. I do know that high blood pressure runs extremely high in Lithuanians and I want to spare him. I do hope that you will listen to everything that the good Representative Patrick has said. Our entire committee believed in all we heard. We felt this is a matter of fairness and as fairness goes, you know, if our government can be in gambling, then why can't a private entity? If we do not like gambling, we can change it on the second floor. I hope that you will follow my light. Thank you.

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. Most of you probably have been sitting here wondering why the Representative from Old Town has not spoken on this issue. Well, the Penobscot Nation is part of my district. I have personal friends that live on the Island. I have known some of the older fathers a long, long time. I had some questions about this bill initially; I still have a few questions about it. I spoke to Donna Loring; I have spoken to the Chief. They have told me that some of the questions that I have put forward to them, basically, will be looked after and will be answered.

The need on the Penobscot Nation, everyone knows what it is: They have lost much income, and I mean much income, from basically Penn National's opening in Bangor; I think that was great for Bangor. Their Super Bingos have diminished so immensely, that nobody knows which way we are going to bring it back, as far as the Island is concerned. They have a right to run 27 Bingos a year. Whether or not they are going to be running 27 or not, nobody knows. At this time, they are only running 13. Now the slots, probably bring back some of their income that they have lost. I am in hopes that it will do that. I feel as though that this probably is the answer, so I am going to ask you to support the bill, to see if we can help the Penobscot Nation get back the economy that they need to survive.

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

ROLL CALL NO. 149

YEA - Annis, Austin, Ayotte, Barstow, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Cebra, Chase, Clark,

Cleary, Connor, Conover, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finley, Fischer, Fletcher, Flood, Gifford, Giles, Gould, Grose, Hamper, Harlow, Haskell, Hayes, Hill, Hinck, Jacobsen, Jones, Joy, Knight, Koffman, Lewin, Lundeen, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, McLeod, Miller, Moore, Nass, Patrick, Pendleton, Perry, Pieh, Pineau, Pingree, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rector, Richardson W, Robinson, Rosen, Savage, Saviello, Schatz, Simpson, Sirois, Smith N, Sykes, Tardy, Theriault, Tibbetts, Treat, Trinward, Tuttle, Vaughan, Walcott, Watson, Weddell, Mr. Speaker.

NAY - Adams, Babbidge, Beaudette, Blanchette, Bliss, Boland, Brautigam, Dill, Dunn, Finch, Fisher, Gerzofsky, Greeley, Hanley S, Hogan, Hotham, Kaenrath, McKane, Mills, Miramant, Norton, Peoples, Percy, Pilon, Rand, Richardson D, Rines, Samson, Silsby, Strang Burgess, Thibodeau, Thomas, Valentino, Wagner, Weaver, Webster, Wheeler, Woodbury.

ABSENT - Cressey, Duprey, Emery, Fitts, Jackson, Lansley, McFadden, Millett, Muse, Richardson E, Sutherland, Walker.

Yes, 101; No, 38; Absent, 12; Excused, 0.

101 having voted in the affirmative and 38 voted in the negative, with 12 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-572) 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-572)** and sent for concurrence.

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

HOUSE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-564)** - Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Allow the Awarding of Prize Money from Gambling Machines Run by Nonprofit Organizations"

(H.P. 675) (L.D. 890)

TABLED - June 13, 2007 (Till Later Today) by Representative PATRICK of Rumford.

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

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

The Bill was **READ ONCE. Committee Amendment "A" (H-564) 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-564)** and sent for concurrence. **ORDERED SENT FORTHWITH.**

An Act Regarding the Valuation of Land within Buffer Areas Established under the Natural Resources Protection Laws

(H.P. 437) (L.D. 559)

(C. "A" H-505)

TABLED - June 14, 2007 (Till Later Today) by Representative KOFFMAN of Bar Harbor.

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. Just some brief remarks on the record here.

This provision, as I read it, allows and authorizes assessors in determining just value of real estate, to include as a factor among other things, the effect on value of designation of land and significant wildlife habitat, under Title 38, section 480-BB; as well as current use, physical depreciation, etcetera. It is my understanding and interpretation that we are basically telling the assessors to take into consideration any restrictions under state law, and frankly, by implication, local ordinance. It may either decrease or increase, enhance the value of property, so the factor that we are describing here could cut either way in the determination of assessed value of a person's property. I just want to clarify that for the record.

There are a number of provisions in Title 38 that protect the value of land by permitting setback, for instance, and buffer zones, privacy areas, and preserving the fisheries, clean water, and those kinds of things that will certainly enhance the value of land, in some cases decrease it, but in other cases increase it. Thank you.

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-588)** on Bill "An Act To Support Regionalization of Public Schools and Achieve Efficiency and Improve Quality"

(H.P. 685) (L.D. 910)

Signed:

Senators:

BOWMAN of York

MITCHELL of Kennebec

MILLS of Somerset

Representatives:

MAKAS of Lewiston

FARRINGTON of Gorham

HARLOW of Portland

SUTHERLAND of Chapman

EDGEComb of Caribou

STRANG BURGESS of Cumberland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-589)** on same Bill.

Signed:

Representatives:

NORTON of Bangor

FINCH of Fairfield

McFADDEN of Dennysville

MUSE of Fryeburg

READ.

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

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass** on Bill "An Act To Protect the Housing Opportunities for Maine Fund"

(H.P. 711) (L.D. 936)

Signed:

Senators:

PERRY of Penobscot
STRIMLING of Cumberland

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

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

Signed:

Senator:

NASS of York

Representatives:

HOTHAM of Dixfield
LANSLEY of Sabattus

READ.

On motion of Representative CLARK of Millinocket, the Majority **Ought to Pass** 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**.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Amend the Conservation Easement Laws"

(H.P. 1220) (L.D. 1737)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-490) in the House on June 11, 2007.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-490) AS AMENDED BY SENATE AMENDMENTS "A" (S-270) AND "B" (S-305)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Enable the Dirigo Health Program To Be Self-administered"

(H.P. 347) (L.D. 431)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-285) in the House on May 23, 2007.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-285) AND SENATE AMENDMENT "D" (S-309)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Amend the Laws Governing Eligibility for the Maine Residents Property Tax Program"

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

Majority (9) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-551)** in the House on June 12, 2007.

Came from the Senate with the Minority (4) **OUGHT NOT TO PASS** Report of the Committee on **TAXATION** **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Allow Maine Consumers To Purchase Health Insurance from Out-of-State Insurers"

(S.P. 540) (L.D. 1517)

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" (S-261)** on same Bill.

Signed:

Senator:

SNOWE-MELLO of Androscoggin

Representatives:

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

Came from the Senate with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

READ.

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

MILLS of Somerset

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. 150

YEA - Adams, Babbidge, Barstow, Beaudoin, Berry, Blanchard, Bliss, Boland, Brautigam, Bryant, Burns, Cain, Canavan, Carter, Casavant, Clark, Connor, Conover, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Fischer, Fisher, Gerzofsky, Grose, Harlow, Haskell, Hayes, Hinck, Hogan, Jones, Kaenrath, Koffman, MacDonald, Makas, Marley, Mazurek, Miller, Miramant, Moore, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pingree, Piotti, Pratt, Priest, Rand, Silsby, Simpson, Sirois, Smith N, Theriault, Treat, Trinward, Tuttle, Valentino, Wagner, Walcott, Watson, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Beaudette, Beaulieu, Browne W, Campbell, Cebra, Cleary, Cotta, Cray, Crosthwaite, Curtis, Edgecomb, Finch, Finley, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Hamper, Hanley S, Jacobsen, Joy, Lewin, Lundeen, Marean, McKane, McLeod, Millett, Mills, Nass, Pilon, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Savage, Schatz, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Vaughan, Weaver.

ABSENT - Berube, Blanchette, Chase, Cressey, Duprey, Emery, Fitts, Hill, Hotham, Jackson, Knight, Lansley, McDonough, McFadden, Muse, Pineau, Richardson E, Saviello, Sutherland, Walker.

Yes, 76; No, 55; Absent, 20; Excused, 0.

76 having voted in the affirmative and 55 voted in the negative, with 20 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-175)** on Bill "An Act Relating to the Wells-Ogunquit Community School District"

(S.P. 375) (L.D. 1123)

Signed:

Senator:

BOWMAN of York

Representatives:

FINCH of Fairfield

FARRINGTON of Gorham

HARLOW of Portland

SUTHERLAND of Chapman

EDGEComb of Caribou

McFADDEN of Dennysville

MUSE of Fryeburg

STRANG BURGESS of Cumberland

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

Signed:

Senators:

MITCHELL of Kennebec

Representatives:

NORTON of Bangor

MAKAS of Lewiston

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-175).**

READ.

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

SENATE PAPERS

Non-Concurrent Matter

Joint Order, To Require the Joint Standing Committee on Insurance and Financial Services to Submit a Bill Regarding Health Insurance

(H.P. 1363)

READ and **PASSED** in the House on June 12, 2007.

Came from the Senate **INDEFINITELY POSTPONED** in **NON-CONCURRENCE.**

On motion of Representative BRAUTIGAM of Falmouth, the House voted to **ADHERE.**

CONSENT CALENDAR

First Day

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

(S.P. 426) (L.D. 1225) Bill "An Act To Make Technical Changes to the Repeal of the Personal Property Tax on Business Equipment" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-327)**

(S.P. 455) (L.D. 1307) Bill "An Act To Reduce Duplication of Paperwork for Fuel Distributors" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-320)**

(S.P. 613) (L.D. 1746) Bill "An Act To Improve MaineCare and Promote Employment" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-319)**

(S.P. 664) (L.D. 1849) Bill "An Act To Protect Consumers from Rising Health Care Costs" Committee on **HEALTH AND HUMAN SERVICES** and the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-237)**

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. **ORDERED SENT FORTHWITH.**

ENACTORS

Emergency Measure

An Act To Amend Licensing and Certification Requirements
(H.P. 1254) (L.D. 1800)
(C. "A" H-552)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 127 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Regarding the Central Voter Registration System
(H.P. 1358) (L.D. 1921)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 134 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Mandate

An Act To Base Value in Eminent Domain Takings of Businesses on Going Concern Value
(H.P. 720) (L.D. 960)
(C. "A" H-434)

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

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

Acts

An Act To Prevent Additional Housing Charges for Persons Requiring In-home Care
(S.P. 162) (L.D. 475)
(C. "A" S-280)

An Act To Modernize Maine's Accountancy Laws
(H.P. 572) (L.D. 751)
(C. "A" H-547)

An Act To Strengthen Maine's Craft Brewers
(S.P. 357) (L.D. 1105)
(C. "A" S-290)

An Act To Enable the Creation of Tax Increment Financing Districts for Arts Districts
(H.P. 863) (L.D. 1182)
(C. "A" H-534)

An Act To Amend the Labor Laws Regarding Automobile Dealerships
(H.P. 913) (L.D. 1295)
(C. "A" H-476)

An Act To Amend the Laws Governing the Taxation of Partnerships
(S.P. 488) (L.D. 1400)
(C. "A" S-288)

An Act To Make Minor Substantive Changes to the Tax Laws
(H.P. 1054) (L.D. 1504)
(C. "A" H-550)

An Act To Improve Child Support Services

(H.P. 1066) (L.D. 1541)
(C. "A" H-538)

An Act To Enact the Home Care Consumer and Worker Protection Act
(H.P. 1069) (L.D. 1544)
(C. "A" H-535)

An Act To Address an Inequity in the Judicial Retirement System
(S.P. 574) (L.D. 1630)
(C. "A" S-295)

An Act Concerning the Sustainable Use of and Planning for Water Resources
(S.P. 610) (L.D. 1743)
(C. "A" S-273)

An Act To Update Professional and Occupational Licensing Laws
(S.P. 659) (L.D. 1842)
(C. "A" S-275)

An Act To Implement the Recommendations of the Corrections Alternatives Advisory Committee
(H.P. 1327) (L.D. 1895)
(C. "A" H-527)

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

Resolves

Resolve, To Establish the Council on Financial Literacy and Create a Financial Literacy Matching Grant Program
(H.P. 187) (L.D. 216)
(C. "A" H-554)

Resolve, Directing the Bureau of Revenue Services To Provide Guidance Regarding the Valuation of Certain Affordable Housing Property
(S.P. 352) (L.D. 1100)
(C. "A" S-289)

Resolve, To Study the Certificate of Need Program
(H.P. 1060) (L.D. 1535)
(H. "A" H-553 to C. "A" H-519)

Resolve, To Explore the Feasibility of Enrolling the Legislature as an Employer Group in Dirigo Health
(H.P. 1093) (L.D. 1568)
(C. "A" H-513)

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

An Act To Establish a Prescription Drug Academic Detailing Program
(H.P. 638) (L.D. 839)
(C. "A" H-549)

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

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

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

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

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

ROLL CALL NO. 151

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

NAY - NONE.

ABSENT - Berube, Cressey, Dunn, Duprey, Emery, Fitts, Jackson, Lansley, Marley, McDonough, McFadden, Pineau, Richardson E, Sirois, Sutherland.

Yes, 136; No, 0; Absent, 15; Excused, 0.

136 having voted in the affirmative and 0 voted in the negative, with 15 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Implement the Recommendations of the Right To Know Advisory Committee Creating the Public Access Ombudsman

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

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

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

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Amend the Wine License Laws"

(H.P. 923) (L.D. 1315)

Signed:

Senators:

MARRACHÉ of Kennebec
PLOWMAN of Penobscot
BRYANT of Oxford

Representatives:

MOORE of Standish
WEDDELL of Frankfort
PINKHAM of Lexington Township
PATRICK of Rumford

TUTTLE of Sanford
NASS of Acton
GOULD of South Berwick
BLANCHETTE of Bangor

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:

Representatives:

TRINWARD of Waterville
FITTS of Pittsfield

READ.

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

CONSENT CALENDAR

First Day

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

(H.P. 1222) (L.D. 1739) Bill "An Act Concerning Technical Changes to the Tax Laws" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-591)**

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

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-584)** on Bill "An Act To Amend the Prescription Privacy Law"

(H.P. 5) (L.D. 4)

Signed:

Senators:

BRANNIGAN of Cumberland
RAYE of Washington
MARRACHÉ of Kennebec

Representatives:

PERRY of Calais
WALCOTT of Lewiston
GROSE of Woolwich
MILLER of Somerville
BEAUDOIN of Biddeford
CONNOR of Kennebunk
WALKER of Lincolnville
FINLEY of Skowhegan

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

Signed:

Representative:

LEWIN of Eliot

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-584)** Report.

READ.

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

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

ENACTORS

Acts

An Act To Implement the Recommendations of the Office of Program Evaluation and Government Accountability Regarding Economic Development in Maine

(S.P. 411) (L.D. 1163)

(C. "A" S-278)

An Act To Provide a Uniform Retirement Plan for Corrections Officers and Mental Health Workers

(S.P. 424) (L.D. 1223)

(C. "A" S-286)

An Act Concerning Certain Flavored Cigarettes and Flavored Cigars and Hard Snuff

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

(H. "A" H-544 and S. "A" S-230 to C. "A" S-180)

An Act Regarding Campaign Finance Reporting and the Maine Clean Election Act

(S.P. 668) (L.D. 1854)

(C. "A" S-279)

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

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

An Act To Prevent Overcharging for Prescription Drug Copayments

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

(C. "A" H-482)

Which was **TABLED** by Representative PERRY of Calais pending **PASSAGE TO BE ENACTED**.

On motion of Representative PERRY of Calais, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-482)** was **ADOPTED**.

The same Representative **PRESENTED** House Amendment "A" (H-593) to Committee Amendment "A" (H-482) 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. This amendment corrects an oversight in the bill, allowing for things to start changing the date, and allowing for the action of this bill to start upon renewal of contracts between the pharmacy benefit manager and the pharmacy; therefore, it is a correction to the bill. Thank you.

House Amendment "A" (H-593) to Committee Amendment "A" (H-482) was **ADOPTED**.

Committee Amendment "A" (H-482) as Amended by House Amendment "A" (H-593) thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-482) as Amended by House Amendment "A" (H-593)** thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

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

HOUSE DIVIDED REPORT - Majority (11) **Ought to Pass as Amended by Committee Amendment "A" (H-584)** - Minority (1) **Ought Not to Pass** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Prescription Privacy Law"

(H.P. 5) (L.D. 4)

Which was **TABLED** by Representative PERRY of Calais pending her motion 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-584) was **READ** by the Clerk.

Representative PERRY of Calais **PRESENTED** House Amendment "A" (H-594) to Committee Amendment "A" (H-584), which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-584) as Amended by House Amendment "A" (H-594) thereto was **ADOPTED**.

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

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 I really want to give a little bit of background to this bill.

This is legislation that has come out of the Health and Human Services Committee, which addresses the intent and purposes of two bills that we had before us: the LD 4, and also, LD 838, in a combined hearing. The Committee took testimony on both bills, which included a number of articles and history around the country's leading experts on the law, policy, pharmacoeconomics, and pharmacoepidemiology; I am sure that sounds very understanding. The Committee also consulted the Attorney General in crafting the final language.

The intent of the legislation and enacting this bill is to achieve the following compelling state interests: to improve public health, to limit annual increases in the cost of health care and to protect the privacy of patients and prescribers in the health care system of this State.

The Legislature seeks to carry out the following purpose in enacting this legislation: The establishment of a system to protect patient, prescriber, and prescription data confidentially is critical to patient trust in the integrity of the health care system of this state.

This bill will protect prescribers' expectations of privacy, freeing them from pressure to prescribe based on comparisons among them and their peers and aiding them in making health care decisions based on the best interests of the patient and on medical and scientific evidence about prescription drugs and health care treatments. It will decrease the influence of drug

representatives. This will build patient and prescriber confidence in the health care system.

Restrictions on the use of personally identifying information for marketing purposes will protect personal privacy rights, end the use of prescriber comparisons for purposes related to manufacturer profitability and decrease unnecessary marketing costs. The provisions of this bill are narrowly and carefully tailored to address the findings listed in the above sections, to achieve the state's purposes as I have listed with this bill.

Now I am going to give you a few things on the provision, so that you understand what I am talking about. Specifically, the policies in LD 4 that are being enacted will be implemented in conjunction with the following ongoing assets: Prior authorization and drug utilization review is something that we are working with, reporting a broad array of prescription drug marketing costs, and prescription drug price disclosure, generic and therapeutically equivalent substitution of prescription drugs, and also the protection of patient prescription drug information held by health care practitioners. What this does is that it allows prescribers to opt out of being targeted, of having their information targeted for manufacturing purposes, and it is just one addendum to the thing that we are doing. Thank you.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-584) as Amended by House Amendment "A" (H-594)** thereto and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (10) **Ought Not to Pass** - Minority (3) **Ought to Pass as Amended by Committee Amendment "A" (H-197)** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Protecting the Confidentiality of Prescription Information"

(H.P. 637) (L.D. 838)

TABLED - May 8, 2007 (Till Later Today) by Representative PERRY of Calais.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

Subsequently, on motion of Representative PERRY of Calais, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

Representative **FLOOD**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to address the body and thank them on behalf of family and friends. On Enactment today, we passed LD 1897, it is an act to allow blended sentencing for certain individuals, and I cosponsored this bill with Senator Diamond, on behalf of the Johnston family.

Many of you may remember the tragic murder of Marlee Johnston about two years ago, and they are close family friends. One outcome of that was that it is very difficult and awkward when a juvenile commits a hideous crime, a very serious crime, and the sentencing is very complex.

This bill, I wanted to thank the Criminal Justice Committee, the Attorney General, the Assistant Attorney General, and the Executive, for sponsoring this bill and allowing for blended sentencing, which would be very intuitive to us. It allows sentencing of a juvenile who has committed a very serious crime, to serve his first years in a juvenile correction facility, and then automatically move on to an adult correction facility. Again, I wanted to thank the Criminal Justice Committee for their work on that bill. Thank you, Mr. Speaker.

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

Representative **BABBIDGE**: Thank you, Mr. Speaker. Had I been in the great Stat of Maine for Roll Call No. 80, I would have voted yea; Roll Call 81, I would have voted yea; Roll Call 82, I would have voted yea; Roll Call 83, I would have voted yea; Roll Call 84, I would have voted yea; on Roll Call No. 85, I would have voted no; and on Roll Call No. 86, I would have voted yea. Thank you, Mr. Speaker.

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

Representative **BEAUDOIN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. In reference to Roll Call No. 145 on LD 1824, had I been present, I would have voted yes.

The SPEAKER: The Chair recognizes the Representative from Livermore Falls, Representative Knight.

Representative **KNIGHT**: Thank you, Mr. Speaker. I stepped out a few moments this morning, and in the process, missed Roll Call No. 150, LD 1517. Had I been present, I would have voted nay.

SENATE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (S-232)** - Minority (5) **Ought Not to Pass** - Committee on **TAXATION** on Bill "An Act To Exempt from the Income Tax Military Pay of Maine Residents Who Are Members of the Armed Services Stationed outside of the State Earned while on Active Duty"

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

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-232).**

TABLED - June 11, 2007 (Till Later Today) by Representative PIOTTI of Unity.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

Subsequently, on motion of Representative WATSON of Bath, the Majority **Ought to Pass as Amended** Report was **ACCEPTED.**

The Bill was **READ ONCE.** Committee Amendment "A" (S-232) 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-232)** in concurrence.

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

SENATE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (S-203)** - Minority (6) **Ought Not to Pass** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Change the Statute of Limitations for Gross Sexual Assault by a Juvenile"

(S.P. 535) (L.D. 1512)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-203)**.

TABLED - June 6, 2007 (Till Later Today) by Representative BLANCHETTE of Bangor.

PENDING - Motion of same Representative to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

Subsequently, Representative BLANCHETTE of Bangor **WITHDREW** her motion to **ACCEPT** the Minority **Ought Not to Pass** Report.

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

The Bill was **READ ONCE**. Committee Amendment "A" (S-203) was **READ** by the Clerk.

The same Representative **PRESENTED** House Amendment "A" (H-590) to Committee Amendment "A" (S-203), which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-203) as Amended by House Amendment "A" (H-590) thereto was **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-203) as Amended by House Amendment "A" (H-590)** thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

HOUSE DIVIDED REPORT - Report "A" (10) **Ought to Pass as Amended by Committee Amendment "A" (H-559)** - Report "B" (2) **Ought to Pass as Amended by Committee Amendment "B" (H-560)** - Report "C" (1) **Ought Not to Pass** - Committee on **TAXATION** on Bill "An Act To Encourage Newly Retired Veterans To Reside in Maine"

(H.P. 407) (L.D. 529)

TABLED - June 14, 2007 (Till Later Today) by Representative PIOTTI of Unity.

PENDING - **ACCEPTANCE OF ANY REPORT**.

On motion of Representative WATSON of Bath, Report "B" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. Committee Amendment "B" (H-560) 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 "B" (H-560)** and sent for concurrence.

Non-Concurrent Matter

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

(S.P. 666) (L.D. 1850)

(C. "A" S-267)

PASSED TO BE ENACTED in the House on June 15, 2007.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-267) AS AMENDED BY SENATE AMENDMENT "A" (S-296)** thereto in **NON-CONCURRENCE**.

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

UNFINISHED BUSINESS

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

An Act To Regulate Outdoor Wood Boilers (EMERGENCY)

(H.P. 1272) (L.D. 1824)

(C. "A" H-494)

TABLED - June 14, 2007 (Till Later Today) by Representative PINGREE of North Haven.

PENDING - **PASSAGE TO BE ENACTED**.

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

Representative CLARK: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I asked quite a few questions the other day, when we had this bill in front of us. I believe a lot of the questions I had have been answered. I have seen, lately, a draft that DEP is going to impose or work on. I just hope that they do not get over zealous, I want to make sure both parties are protected; and with that, Mr. Speaker, I will be voting for the bill.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 111 voted in favor of the same and 18 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass pursuant to Joint Order 2007, H.P. 1357** on Bill "An Act To Extend from 4 to 6 Terms the Limits on Legislative Terms"

(H.P. 1367) (L.D. 1928)

Signed:

Senators:

MARRACHÉ of Kennebec

BRYANT of Oxford

Representatives:

WEDDELL of Frankfort

PINKHAM of Lexington Township

TRINWARD of Waterville

PATRICK of Rumford

TUTTLE of Sanford

BLANCHETTE of Bangor

Minority Report of the same Committee reporting **Ought Not to Pass pursuant to Joint Order 2007, H.P. 1357** on same Bill.

Signed:
Representatives:
NASS of Acton
GOULD of South Berwick

READ.

Representative PATRICK of Rumford moved that the House **ACCEPT** the Majority **Ought to Pass pursuant to Joint Order 2007, H.P. 1357** Report.

Representative TARDY of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass pursuant to Joint Order 2007, H.P. 1357** Report.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass pursuant to Joint Order 2007, H.P. 1357 Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 152

YEA - Adams, Annis, Babbidge, Beaudoin, Berry, Blanchette, Bliss, Boland, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Connor, Conover, Craven, Crockett, Dill, Duchesne, Dunn, Eberle, Faircloth, Farrington, Flood, Gerzofsky, Greeley, Hanley S, Harlow, Haskell, Hayes, Hill, Jones, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Marley, Mazurek, Miller, Millett, Miramant, Moore, Muse, Norton, Patrick, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Pinkham, Pratt, Rand, Robinson, Samson, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Theriault, Treat, Trinward, Tuttle, Valentino, Wagner, Watson, Weddell, Wheeler, Mr. Speaker.

NAY - Austin, Ayotte, Beaudette, Beaulieu, Berube, Browne W, Cebra, Chase, Clark, Cleary, Cotta, Cray, Crosthwaite, Curtis, Driscoll, Eaton, Edgecomb, Finch, Finley, Fischer, Fletcher, Gifford, Giles, Gould, Hamper, Hinck, Hotham, Jacobsen, Joy, Knight, Lewin, Marean, McKane, McLeod, Mills, Nass, Pendleton, Piotti, Plummer, Prescott, Priest, Rector, Richardson D, Richardson W, Rosen, Savage, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Vaughan, Walcott, Walker, Weaver, Webster, Woodbury.

ABSENT - Barstow, Blanchard, Brautigam, Cressey, Duprey, Emery, Fisher, Fitts, Grose, Hogan, Jackson, Lansley, McDonough, McFadden, Pineau, Richardson E, Rines, Sutherland, Tibbetts.

Yes, 75; No, 57; Absent, 19; Excused, 0.

75 having voted in the affirmative and 57 voted in the negative, with 19 being absent, and accordingly the Majority **Ought to Pass pursuant to Joint Order 2007, H.P. 1357** Report was **ACCEPTED**.

The Bill was **READ ONCE**.

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

Representative TARDY of Newport **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED**.

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

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

ROLL CALL NO. 153

YEA - Adams, Annis, Babbidge, Beaudoin, Berry, Blanchette, Bliss, Boland, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Connor, Conover, Craven, Crockett, Dill, Duchesne, Dunn, Eberle, Faircloth, Farrington, Gerzofsky, Gifford, Greeley,

Hanley S, Harlow, Haskell, Hayes, Hill, Jones, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Marley, Mazurek, Miller, Millett, Miramant, Moore, Muse, Norton, Patrick, Peoples, Percy, Perry, Pieh, Pilon, Pingree, Pinkham, Piotti, Pratt, Rand, Robinson, Samson, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Theriault, Treat, Trinward, Tuttle, Valentino, Wagner, Watson, Weddell, Wheeler, Mr. Speaker.

NAY - Austin, Ayotte, Beaudette, Beaulieu, Berube, Cebra, Chase, Clark, Cleary, Cotta, Cray, Crosthwaite, Curtis, Driscoll, Eaton, Edgecomb, Finch, Finley, Fischer, Fletcher, Flood, Giles, Gould, Hamper, Hotham, Jacobsen, Joy, Knight, Lewin, Marean, McKane, McLeod, Mills, Nass, Pendleton, Plummer, Prescott, Priest, Rector, Richardson D, Richardson W, Rosen, Savage, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Vaughan, Walcott, Walker, Weaver, Webster, Woodbury.

ABSENT - Barstow, Blanchard, Brautigam, Browne W, Cressey, Duprey, Emery, Fisher, Fitts, Grose, Hinck, Hogan, Jackson, Lansley, McDonough, McFadden, Pineau, Richardson E, Rines, Sutherland, Tibbetts.

Yes, 76; No, 54; Absent, 21; Excused, 0.

76 having voted in the affirmative and 54 voted in the negative, with 21 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Improve Efficiency in the Courts"

(H.P. 833) (L.D. 1140)

Signed:

Senators:

HOBBINS of York

NUTTING of Androscoggin

HASTINGS of Oxford

Representatives:

SIMPSON of Auburn

BRYANT of Windham

DUNN of Bangor

DILL of Cape Elizabeth

NASS of Acton

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:

Representatives:

MILLS of Farmington

CASAVANT of Biddeford

BERUBE of Lisbon

JACOBSEN of Waterboro

Representative LORING of the Penobscot Nation - of the House - supports the Minority **Ought to Pass** Report.

READ.

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

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

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

(H.P. 720) (L.D. 960)

(C. "A" H-434)

Which was **TABLED** by Representative PINGREE of North Haven pending **PASSAGE TO BE ENACTED**.

Representative TARDY of Newport **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 154

YEA - Annis, Austin, Babbidge, Beaudette, Beaulieu, Berube, Bliss, Browne W, Campbell, Cebra, Chase, Clark, Cleary, Connor, Cotta, Cray, Crosthwaite, Dill, Driscoll, Eaton, Eberle, Edgecomb, Finch, Finley, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Hamper, Hanley S, Hayes, Hill, Hotham, Jacobsen, Joy, Kaenrath, Knight, Lewin, Marean, Mazurek, McKane, McLeod, Millett, Miramant, Moore, Muse, Nass, Patrick, Pendleton, Peoples, Percy, Pilon, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Savage, Saviello, Schatz, Silsby, Sirois, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tuttle, Valentino, Vaughan, Walker, Weaver, Wheeler, Woodbury.

NAY - Adams, Beaudoin, Berry, Blanchette, Boland, Bryant, Cain, Canavan, Carter, Casavant, Conover, Craven, Crockett, Curtis, Duchesne, Dunn, Faircloth, Farrington, Fischer, Gerzofsky, Harlow, Haskell, Hinck, Jones, Koffman, Lundeen, MacDonald, Makas, Marley, Miller, Mills, Norton, Perry, Pieh, Pingree, Piotti, Pratt, Priest, Rand, Samson, Simpson, Smith N, Theriault, Treat, Trinward, Wagner, Walcott, Watson, Webster, Weddell, Mr. Speaker.

ABSENT - Ayotte, Barstow, Blanchard, Brautigam, Burns, Cressey, Duprey, Emery, Fisher, Fitts, Grose, Hogan, Jackson, Lansley, McDonough, McFadden, Pineau, Richardson E, Rines, Sutherland, Tibbetts.

Yes, 79; No, 51; Absent, 21; Excused, 0.

79 having voted in the affirmative and 51 voted in the negative, with 21 being absent, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED**. Sent for concurrence.

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Report "A" (7) **Ought to Pass as Amended by Committee Amendment "A" (H-555)** - Report "B" (4) **Ought to Pass as Amended by Committee Amendment "B" (H-556)** - Report "C" (2) **Ought Not to Pass** - Committee on **TAXATION** on Bill "An Act To Exempt Military Pensions and Survivors' Benefit Payments from State Income Tax"

(H.P. 661) (L.D. 872)

TABLED - June 14, 2007 (Till Later Today) by Representative PIOTTI of Unity.

PENDING - ACCEPTANCE OF ANY REPORT.

On motion of Representative WATSON of Bath, Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-555)** 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-555)** and sent for concurrence. **ORDERED SENT FORTHWITH**.

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

The **SPEAKER**: The Chair recognizes the Representative from Wells, Representative Chase who wishes to address the House on the record.

Representative **CHASE**: Thank you, Mr. Speaker. Had I been present on Roll Call No. 150, LD 1517, I would have voted nay. Thank you.

On motion of Representative ROSEN of Bucksport, the House adjourned at 3:15 p.m., until 9:00 a.m., Monday, June 18, 2007.