

MAINE STATE LEGISLATURE

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One Hundred and Twenty-Third Legislature
State of Maine

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ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
FIRST REGULAR SESSION
59th Legislative Day
Monday, June 18, 2007

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

Prayer by Pastor Steven C. DeGroft, Lisbon Falls Baptist Church.

National Anthem by Diana Richardson, Carmel.

Pledge of Allegiance.

The Journal of Friday, June 15, 2007 was read and approved.

SENATE PAPERS

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Restrict Tax Increases

(S.P. 648) (L.D. 1819)

Minority (3) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION READ** and **ACCEPTED** and the **RESOLUTION PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-272)** in the House on June 13, 2007.

Came from the Senate with the Majority (10) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION READ** and **ACCEPTED** and the **RESOLUTION PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-271) AS AMENDED BY SENATE AMENDMENT "A" (S-317)** thereto in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (H.C. 348)

STATE OF MAINE

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

June 15, 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. 502 An Act To Ensure That Maine Residents Have Reliable Winter Heating Assistance

L.D. 874 An Act To Provide Funding for the Low-income Home Energy Assistance Program (EMERGENCY)

L.D. 1035 An Act To Increase Wheelchair Van Services Reimbursement Rates

L.D. 1628 An Act To Fund the Fuel Assistance Reserve Fund To Ensure That Help from the Low-income Home Energy Assistance Program Is Received in a Timely Fashion

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: (H.C. 349)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON JUDICIARY**

June 14, 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 Judiciary has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 477 An Act To Deter Parental Alienation

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Barry J. Hobbins

Senate Chair

S/Rep. Deborah Simpson

House Chair

READ and ORDERED PLACED ON FILE.

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

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Paul Johnson, of Eliot, who is the recipient of a 2007 Statewide Historic Preservation Honor Award, which was presented by Maine Preservation. The award is given to acknowledge projects and people exemplifying the best practices and principles of historic preservation in Maine. Mr. Johnson and the Eliot Historical Society were bestowed with this mark of distinction for their excellence in the rehabilitation and restoration of Schoolhouse No. 8. We extend to Mr. Johnson our congratulations and offer him our thanks for bringing to life a part of Maine's past so that others may see and appreciate the artifacts of our State's heritage;

(HLS 616)

Presented by Representative LEWIN of Eliot.

Cosponsored by Senator BOWMAN of York.

On **OBJECTION** of Representative LEWIN of Eliot, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Eliot, Representative Lewin.

Representative **LEWIN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is my privilege today, to stand and briefly mention Mr. Johnson and his lovely wife, who have done an extraordinary job of bringing a very small, one-room schoolhouse back to life.

A year ago, I was invited to go to the grand opening; frankly, I had no idea that they were as close to done as they were, but I was privileged to go. It turned out to be a spectacular, sunshiny day; flags were flying over that beautiful, little, white building; and lots of people came out to see it. It was an absolute privilege to be there that day.

When you walked into this room, it was furnished in the period of the day with an old wood burning stove and a couple of original one-room schoolhouse, school bells; and a teacher who taught in a one-room schoolhouse in the Town of Eliot, Florence Moulton, who is also a member of our Historical Society, and that will give you some idea of Florence's age, one of the reasons that she is not here with us today. But it was quite an extraordinary thing to see. They had wonderful furniture that was all period pieces, lots of fabulous photographs. It is a wonderful step back into history, to go into that beautiful, little building.

This year, the Historical Society invited the second grade students from our school system to come in, and they all did a school project. Their little school project was on display Voting Day, which I thought was a great thing to see. They all had done little replicas of this little schoolhouse, made little bits of furniture and drawn in various things; and they all wrote papers on it, everybody wrote an essay, and they were spectacular. It was a wonderful, wonderful thing to see the appreciation that those little children had for this wonderful, old schoolhouse.

So Mr. Johnson spearheaded this project, it was an absolute labor of love for him and for his lovely wife. They live next door to this building, so every minute they were not busy in their own house; they were busy in this little schoolhouse. They did a fabulous job, and I am absolutely thrilled to death that they won this award. They have friends with them today, Mr. and Mrs. Lentz, who are lifelong friends of mine. When they moved to Eliot several years ago, they got involved with the Historical Society, and today, Mr. Lentz has been elected the President of that Historical Society, which is a giant leap forward since he is under 70; so I welcome him to the State House today, and am so pleased for everything that they have done for the Town of Eliot. Thank you.

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

Recognizing:

the City of Lewiston, on its being one of ten cities in the United States to win official All-America City status at the National Civic League award ceremony in Anaheim, California. The judges selected Lewiston after hearing a presentation about the Lewiston Youth Advisory Council, the Lots to Gardens program and tax preparation for low-income residents. The award demonstrates national recognition for hard work and civic pride. We send our congratulations to the good citizens of Lewiston on their being named an All-America City;

(HLS 617)

Presented by Representative MAKAS of Lewiston.
Cosponsored by Senator ROTUNDO of Androscoggin,
Representative SAMSON of Auburn, Representative WALCOTT

of Lewiston, Representative WAGNER of Lewiston, Representative CRAVEN of Lewiston.

On **OBJECTION** of Representative MAKAS of Lewiston, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **WAGNER**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. When my family moved to Maine 40 years ago, we had a choice: to live in a farmhouse out in the country, or to live within two or three blocks of where I worked in the City of Lewiston. We wisely chose the later. It has been a joy watching Lewiston grow, following the demise of the textile industry, to a thriving, redeveloped, highly diverse community, not without its problems, but confronting them with remarkable success.

Men and Women of the House, I am proud to call myself a Lewistonian Thank you, Mr. Speaker.

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

Representative **CRAVEN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. It is my honor to have the privilege of congratulating officials from the City of Lewiston, on their receiving the distinction of being named All-America City, by the National Civic League.

Last time, when Lewiston almost won the All-America City award, they were disappointed. But instead of giving up, they resolved to put a more comprehensive proposal forward, work harder and show the world the shining starts that they are. Their team this year was called "Community Engagement Has An Address: Lewiston, Maine!"

The three things the delegation focused on for the award were: "U Booze U Lose," which is a youth-to-youth, underage drinking awareness campaign; secondly, "Take the Money; You've Earned It," a campaign focusing on reducing poverty and enhancing financial education communitywide; and thirdly, "Lots to Gardens," which sustains 15 urban gardens, providing fresh foods for Lewiston residents who face difficulty accessing nutritious foods.

Current accolades for Lewiston are well deserved, and I offer my heartfelt congratulations to the deserving people who have had the vision to make Lewiston an All-America City. Thank you, Mr. Speaker.

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

Representative **SAMSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The City of Lewiston continues to thrive, especially on the economic front. We have successfully converted our manufacturing economy to a thriving business environment that mixes service, manufacturing, high tech, medical and diversified entrepreneurial business. More important, the perception that Lewiston is the place to be is being affirmed by residents and those who live and work outside our fair city.

The All-America City award is the most recent sign that the City of Lewiston is changing for the better. I would like to add my congratulations to those who worked so hard to bring this well deserved recognition home. Thank you.

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. It is a privilege to be able to speak today, to honor the City of Lewiston in being named All-America City. I decided to move to Lewiston in 1999, after seeing all it had to offer to its citizens; however, today I want to

concentrate my brief remarks on the healthcare services Lewiston provides.

Lewiston has two large hospitals: CMMC and St. Mary's. These hospitals not only serve Lewiston and Auburn, but a much larger area and hundreds of thousands of people. The hospitals, and all the other healthcare providers, make healthcare the largest employment sector in Lewiston. As a service center community, Lewiston's healthcare providers, provide all kinds of services to people all over central Maine, and truly, the entire state. These services are a great benefit to many citizens, which many citizens do not think about until they need them. However, they provide more than healthcare services: they provide education, economic development, and charitable donations as a benefit to the city and surrounding communities.

Lewiston is a healthcare center for much of central Maine. Having chosen Lewiston as my home, rather than being born and raised there, I can certainly understand why Lewiston was chosen as All-America City; they are the same reasons that I chose to live in Lewiston. Thank you, Mr. Speaker.

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

Representative **MAKAS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Lewiston is also an important educational center. In addition to our wonderful public schools, we share Saint Dominic High School with our sister city of Auburn; and we also host three institutions of higher education: Bates College, which has been part of our community for over 150 years; the Lewiston-Auburn campus of the University of Southern Maine; and the new Lewiston campus of Andover College; in addition, we share Central Maine Community College with Auburn.

Lewiston also hosts many cultural groups and events: L/A Arts, the Public Theater, the Franco-American Heritage Center, the Maine Music Society and Androscoggin Chorale, the Franco-American Archives at Lewiston-Auburn College; the many, many events at Bates College; and with our friends in Auburn, the Balloon Festival, and the Summer in the Park program. I would be negligent not to mention what I consider to be one of Lewiston's cultural gems, our Lewiston MAINEiacs.

So it is easy to see why Lewiston was named one of this year's All America Cities, but it would not have happened without the hard work of many people, some of whom we are privileged to have here today as our guests. These people helped to make Lewiston what it is today, and they make others aware of why Lewiston is such a great city. They will be introduced as a group shortly, but I would like to read their names and spare our Clerk trying to pronounce them.

The people that are present here today, we are very proud to have in our audience, in our Gallery: Mayor Larry Gilbert, City Councilor Norm Rousseau, Deputy City Administrator Phil Nadeau, Community Relations Coordinator Dottie Perham-Whittier; some of our community leaders: Linda Hertell, Linda Varrell, Catherine Yomoah, Ahmed Hassan, Mohamed Farah, Awil Bile, Nick Knowlton, Hillary Verrill, Kirsten Walter; and last, but certainly not least, members of our Lewiston Youth Advisory Council: Ally Beaucage, Tim Stretton, Kelin Sevit, Luke Jensen, and Hossain Naji. We welcome them all, and we are very, very proud of them. Thank you.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Babbidge.

Representative **BABBIDGE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Yes, I am from Kennebunk; yes, I grew up in South Portland; but I do have a very important Lewiston connection that I want to share: I spent 17 summers as part of the summer faculty at Bates College. But

more importantly, I spent 17 celebrations of this country's birth, Fourth of July, in Lewiston, and really have an appreciation for that community. Of course, during that time we watched the fireworks from Mount David, from the banks of the Androscoggin, from the Longley Bridge, but we really got a sense of a great community in Androscoggin County.

My own city, hometown, South Portland, became an All-America City in 1966; actually, that was the year where the season's greatest football game was South Portland-Lewiston, as a matter of fact, which ended 14-14. But the fact of the matter is, I remember the pride as a young person when South Portland became an All-America City, and I congratulate Lewiston on its accomplishment, certainly a deserving one. Thank you, Mr. Speaker.

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

Recognizing:

Louise Mable Briggs Gamage, 94, of Litchfield, who has received the Litchfield Cane and been recognized by the town as its oldest citizen. Mrs. Gamage held a variety of positions at the Blaine House for more than 30 years and did not retire until she was 75 years old. She was very active at the Litchfield United Church, where she sang and played the organ, and the Litchfield Grange, where she played the piano. She also played the organ for many years for the Order of Eastern Star, Mystic Chapter 69 in Litchfield. She loves music and still plays the organ and the piano. We extend our congratulations to Mrs. Gamage on her receiving this distinction;

(HLS 618)

Presented by Representative SMITH of Monmouth.
Cosponsored by Senator McCORMICK of Kennebec.

On **OBJECTION** of Representative SMITH of Monmouth, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Recognizing:

the life of our friend and colleague Patrick Daniel Damon, 41, of Falmouth, who died unexpectedly one year ago while in service to our Nation in Afghanistan. Pat served with distinction as a captain in the 240th Engineer Group of the Maine Army National Guard. He had been with the Maine Army National Guard for 20 years. He was born in Portland and grew up in Newcastle. He earned his bachelor's degree at American University in Washington, D.C. and his master's degree at the Edmund S. Muskie School of Public Service at the University of Southern Maine. From 1994 to 2004, Pat was a mainstay at the State House, first working in the House Democratic Office and then for the Office of the Speaker of the House, including as the Chief of Staff. He also worked in Governor John E. Baldacci's administration before serving as administrative director of the Public Utilities Commission. Pat was widely respected and admired by his friends and colleagues, and he brought an unusual compassion and enthusiasm to all his endeavors. He touched many lives and was committed to making Maine a better place for everyone. We acknowledge his exemplary dedication to the State of Maine and to his Nation, and we take this opportunity to remember a good friend and a great American. He will be missed and long remembered by his loving wife of 19 years Hildi Halley, his children Mikayla and Jan-Christian, his mother Barbara, his twin sister Alecia and his father Ellsworth

and his friends and colleagues and the people of the State of Maine. May he rest in peace;

(HLS 619)

Presented by Representative BRAUTIGAM of Falmouth. Cosponsored by Representative ADAMS of Portland, Representative ANNIS of Dover-Foxcroft, Representative AUSTIN of Gray, Representative AYOTTE of Caswell, Representative BABBIDGE of Kennebunk, Representative BARSTOW of Gorham, Representative BEAUDETTE of Biddeford, Representative BEAUDOIN of Biddeford, Representative BEAULIEU of Auburn, Representative BERRY of Bowdoinham, Representative BERUBE of Lisbon, Representative BLANCHARD of Old Town, Representative BLANCHETTE of Bangor, Representative BLISS of South Portland, Representative BOLAND of Sanford, Representative BROWNE of Vassalboro, Representative BRYANT of Windham, Representative BURNS of Berwick, Representative CAIN of Orono, Representative CAMPBELL of Newfield, Representative CANAVAN of Waterville, Representative CARTER of Bethel, Representative CASAVANT of Biddeford, Representative CEBRA of Naples, Representative CHASE of Wells, Representative CLARK of Millinocket, Representative CLEARLY of Houlton, Representative CONNOR of Kennebunk, Representative CONOVER of Oakland, Representative COTTA of China, Representative CRAVEN of Lewiston, Representative CRAY of Palmyra, Representative CRESSEY of Cornish, Representative CROCKETT of Augusta, Representative CROSTHWAITE of Ellsworth, Speaker CUMMINGS of Portland, Representative CURTIS of Madison, Representative DILL of Cape Elizabeth, Representative DRISCOLL of Westbrook, Representative DUCHESNE of Hudson, Representative DUNN of Bangor, Representative DUPREY of Hampden, Representative EATON of Sullivan, Representative EBERLE of South Portland, Representative EDGECOMB of Caribou, Representative EMERY of Cutler, Representative FAIRCLOTH of Bangor, Representative FARRINGTON of Gorham, Representative FINCH of Fairfield, Representative FINLEY of Skowhegan, Representative FISCHER of Presque Isle, Representative FISHER of Brewer, Representative FITTS of Pittsfield, Representative FLETCHER of Winslow, Representative FLOOD of Winthrop, Representative GERZOFISKY of Brunswick, Representative GIFFORD of Lincoln, Representative GILES of Belfast, Representative GOULD of South Berwick, Representative GREELEY of Levant, Representative GROSE of Woolwich, Representative HAMPER of Oxford, Representative HANLEY of Gardiner, Representative HARLOW of Portland, Representative HASKELL of Portland, Representative HAYES of Buckfield, Representative HILL of York, Representative HINCK of Portland, Representative HOGAN of Old Orchard Beach, Representative HOTHAM of Dixfield, Representative JACKSON of Allagash, Representative JACOBSEN of Waterboro, Representative JONES of Mount Vernon, Representative JOY of Crystal, Representative KAENRATH of South Portland, Representative KNIGHT of Livermore Falls, Representative KOFFMAN of Bar Harbor, Representative LANSLEY of Sabattus, Representative LEWIN of Eliot, Representative LORING of the Penobscot Nation, Representative LUNDEEN of Mars Hill, Representative MacDONALD of Boothbay, Representative MAKAS of Lewiston, Representative MAREAN of Hollis, Representative MARLEY of Portland, Representative MAZUREK of Rockland, Representative McDONOUGH of Scarborough, Representative McFADDEN of Dennysville, Representative McKANE of Newcastle, Representative McLEOD of Lee, Representative MILLER of Somerville, Representative MILLETT of Waterford, Representative MILLS of Farmington, Representative

MIRAMANT of Camden, Representative MOORE of Standish, Representative MUSE of Fryeburg, Representative NASS of Acton, Representative NORTON of Bangor, Representative PATRICK of Rumford, Representative PENDLETON of Scarborough, Representative PEOPLES of Westbrook, Representative PERCY of Phippsburg, Representative PERRY of Calais, Representative PIEH of Bremen, Representative PILON of Saco, Representative PINEAU of Jay, Representative PINGREE of North Haven, Representative PINKHAM of Lexington Township, Representative PIOTTI of Unity, Representative PLUMMER of Windham, Representative PRATT of Eddington, Representative PRESCOTT of Topsham, Representative PRIEST of Brunswick, Representative RAND of Portland, Representative RECTOR of Thomaston, Representative RICHARDSON of Carmel, Representative RICHARDSON of Greenville, Representative RICHARDSON of Warren, Representative RINES of Wiscasset, Representative ROBINSON of Raymond, Representative ROSEN of Bucksport, Representative SAMSON of Auburn, Representative SAVAGE of Falmouth, Representative SAVIELLO of Wilton, Representative SCHATZ of Blue Hill, Representative SILSBY of Augusta, Representative SIMPSON of Auburn, Representative SIROIS of Turner, Representative SMITH of Monmouth, Representative SOCTOMAH of the Passamaquoddy Tribe, Representative STRANG BURGESS of Cumberland, Representative SUTHERLAND of Chapman, Representative SYKES of Harrison, Representative TARDY of Newport, Representative THERIAULT of Madawaska, Representative THIBODEAU of Winterport, Representative THOMAS of Ripley, Representative TIBBETTS of Columbia, Representative TREAT of Farmingdale, Representative TRINWARD of Waterville, Representative TUTTLE of Sanford, Representative VALENTINO of Saco, Representative VAUGHAN of Durham, Representative WAGNER of Lewiston, Representative WALCOTT of Lewiston, Representative WALKER of Lincolnville, Representative WATSON of Bath, Representative WEAVER of York, Representative WEBSTER of Freeport, Representative WEDDELL of Frankfort, Representative WHEELER of Kittery, Representative WOODBURY of Yarmouth, Senator BARTLETT of Cumberland, Senator BENOIT of Sagadahoc, Senator BOWMAN of York, Senator BRANNIGAN of Cumberland, Senator BROMLEY of Cumberland, Senator BRYANT of Oxford, Senator COURTNEY of York, Senator DAMON of Hancock, Senator DIAMOND of Cumberland, Senator DOW of Lincoln, President EDMONDS of Cumberland, Senator GOOLEY of Franklin, Senator HASTINGS of Oxford, Senator HOBBS of York, Senator MARRACHÉ of Kennebec, Senator MARTIN of Aroostook, Senator McCORMICK of Kennebec, Senator MILLS of Somerset, Senator MITCHELL of Kennebec, Senator NASS of York, Senator NUTTING of Androscoggin, Senator PERRY of Penobscot, Senator PLOWMAN of Penobscot, Senator RAYE of Washington, Senator ROSEN of Hancock, Senator ROTUNDO of Androscoggin, Senator SAVAGE of Knox, Senator SCHNEIDER of Penobscot, Senator SHERMAN of Aroostook, Senator SMITH of Piscataquis, Senator SNOWE-MELLO of Androscoggin, Senator STRIMLING of Cumberland, Senator SULLIVAN of York, Senator TURNER of Cumberland, Senator WESTON of Waldo.

On **OBJECTION** of Representative BRAUTIGAM of Falmouth, was **REMOVED** from the Special Sentiment Calendar. **READ.**

The **SPEAKER**: The Chair recognizes the Representative from Falmouth, Representative Brautigam.

Representative **BRAUTIGAM**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Patrick Daniel Damon, Captain Damon, was an American hero. He was a Maine hero.

He was a father, husband, a son, a brother, he was a friend. Pat was a knowledgeable, intelligent, and passionate public servant. He was a part; he was a vital part of this legislative family. He lost his life while serving his country and this state, serving you and me and our families. What happens when people die? It is difficult and maybe not an appropriate question, theological nature. We know that for Hildi, for Mikayla, for Jan-Christian, for Barbara, for Ellsworth, for Alecia, Pat is gone, he is all too gone. For all of those who loved him and for whom he loved so generously, we know he is gone.

But yet, we have perhaps a more comforting answer: In a new bill to prevent needless deaths among the National Guard; and a friendly, slightly crooked smile of someone you might see while passing in the hall; and a quick quip to break a logjam in an intense meeting; in any act of good faith, devotion, compassion, and some unexpected good deed; in all of these things, our friend Pat Damon lives on in spirit, so I believe. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Wiscasset, Representative Rines.

Representative **RINES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I, like all of you and most of you, knew Pat in one way and that was here at the State House, but what you did not hear in this sentiment was that Pat lived in Wiscasset for many years. Not only did he live in Wiscasset, but his mother bought my grandmother's house, right next door to mine.

Pat has been a friend for very many years, and when I first came to Augusta, he was one of the first persons that I saw. As many of you that were here at the time will realize or notice or think about, is that you could quite often see us at two o'clock in the morning, off in the corner like two school kids laughing and chuckling, because we were talking about the things that we had done as kids that probably gave our parents all of that gray hair.

His twin sister and him, and me and my younger brothers, we traveled to church together on Sunday morning with my grandparents, we played in the woods, we climbed the trees, we threw the rocks, we broke the windows, and we were just great friends. My time in Augusta, when Pat was still in the building, was just as equally as great. We conversed on daily basis, we laughed on a daily basis, we would punch each other in the arm and would move on to the next item.

I am sorry I did not get to know his wife and I do not know his kids. I do know, very well, his mother and his father, Ellsworth. I traveled to their camp in Whitefield on many an occasion, fished in the stream, threw rocks, the whole nine yards.

The day I heard of his passing was very difficult; and you will be missed, Pat. My condolences to Barbara and Ellsworth. Thank you.

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

Representative **SIMPSON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I met Pat when I was first elected here and I would have questions on some bills; and if you ever had a question, you could always go to Pat, he was like a walking encyclopedia: He knew more about everything than anyone I have ever met.

He was a true public servant, devoting his life. I would say, "How do you do this year after year?" He said, "I love this job. I love Maine and I want to serve the people of Maine." He lost his life serving all of us in Afghanistan.

My fondest memory of Pat is one night we were working really late, into the morning, it was about three o'clock in the morning and I said, "Pat, you stay up here?" He said, "No, I have never stayed up here, no matter what. No matter how bad the

weather or how late we work, I want to go home, even if it is only for five minutes just to crawl in bed with my wife, and then I can wake up in the morning and see my children before they go to school."

Pat was a real hero and just the finest example of a real family man. He is greatly missed. Thank you.

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

Representative **BRYANT**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Pat Damon was a friend of mine. I knew Pat as a Captain working in Afghanistan, sending me emails; but, I also remember Pat and Hildi, both, when they lived in Windham, before they came to Augusta, here, in their early years. Pat was instrumental, for me, being here in this State House, but he also did other things.

His passion for humanity and people, in general, was diverse. I share with you that he was instrumental in founding the Women's Caucus of Windham, in our town. It shows that Pat cared about all people, and I miss him dearly. Thank you.

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

Representative **TUTTLE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Pat Damon was a friend of mine. We served together in the 1980's with the 133rd Engineers; I was a sergeant assigned to a medical company and Pat was the company clerk, and this nickname was "Radar."

Pat served 20 years in the Guard. He received his Master's Degree from the Edmund Muskie School of Public Service at the University of Southern Maine; and as many of us know him, I guess from 1994 to 2004, Pat was a mainstay here at the State House, and he was the Speaker's Chief of Staff.

He touched my life, as he did many others. I am reminded of a quote from Longfellow that says that good people "all remind us, we can make our lives sublime, and, departing, leave behind us, footprints on the sands of time." I think there will not be a day in the future where I will not think of Pat Damon, especially during the hard times, so be with us in that time of need, my friend. Rest in peace.

The SPEAKER: The Chair recognizes the Representative from North Haven, Representative Pingree.

Representative **PINGREE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I just want to rise briefly, as well, to add a few words about Patrick Damon.

As a freshman legislator, assigned by the good Speaker Colwell, from Gardiner, who is sitting in the Gallery today, to the Appropriations Committee, as a freshman, I was completely overwhelmed. I think that the good Representative from Auburn said it well, when she talked about Patrick Damon as an encyclopedia. I remember, many, many nights working on the budget, and Patrick Damon seemed to know everything about everything. He was smart, he was witty, and he was selfless. I remember a lot of those late nights working on the budget, he was always talking about his kids. He knew this institution like the back of his hand. He was committed to the service of his state and his country.

During late nights, during my first term in office, this country went to war against Iraq. I remember asking Pat if he thought he would be sent over there, whether it was to Afghanistan or Iraq. He said, "I will do whatever I have to, to serve my state and to serve my country." He paid the ultimate price of his life, and I cannot imagine the pain and suffering that his family has gone through over the last couple of years.

I do want to especially recognize his mother, Barbara Damon-Day, who many of us have met and gotten to know well over this past session. The death of your son is something that I am sure

as hopefully a future mother of something, I cannot imagine, and I know that most of the people in this body cannot imagine a greater loss. She has turned his loss into her life's work: Working for those people who serve in our National Guard, looking out for their health and safety. While it is hard to think of any good coming from such a loss, I do want to recognize her, as well, today, and the work that she has done, work that will improve the lives of all Maine citizens, and work that will especially impact our National Guard. Thank you, Mr. Speaker.

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

Recognizing:

the memory of the late Honorable Abigail Holman, of Fayette, for her extraordinary life and career and her dedicated service to the people of the State of Maine. As we come to the end of the First Regular Session of the 123rd Legislature, we take this opportunity to remember the good representative from District 83, who represented Belgrade, Fayette, Vienna, Manchester and Mount Vernon with distinction. Abby Holman also had a strong commitment to her town, where she served on the Fayette Board of Selectmen. We acknowledge and appreciate her long career in government and civic service. Abby Holman will be greatly missed by her loving family, her many friends and the people of the State. May she rest in peace and may she long be remembered for her life of service to the State of Maine;

(HLS 632)

Presented by Representative TARDY of Newport.

Cosponsored by Representative ADAMS of Portland, Representative ANNIS of Dover-Foxcroft, Representative AUSTIN of Gray, Representative AYOTTE of Caswell, Representative BABBIDGE of Kennebunk, Representative BARSTOW of Gorham, Representative BEAUDETTE of Biddeford, Representative BEAUDOIN of Biddeford, Representative BEAULIEU of Auburn, Representative BERRY of Bowdoinham, Representative BERUBE of Lisbon, Representative BLANCHARD of Old Town, Representative BLANCHETTE of Bangor, Representative BLISS of South Portland, Representative BOLAND of Sanford, Representative BRAUTIGAM of Falmouth, Representative BROWNE of Vassalboro, Representative BRYANT of Windham, Representative BURNS of Berwick, Representative CAIN of Orono, Representative CAMPBELL of Newfield, Representative CANAVAN of Waterville, Representative CARTER of Bethel, Representative CASAVANT of Biddeford, Representative CEBRA of Naples, Representative CHASE of Wells, Representative CLARK of Millinocket, Representative CLEARY of Houlton, Representative CONNOR of Kennebunk, Representative CONOVER of Oakland, Representative COTTA of China, Representative CRAVEN of Lewiston, Representative CRAY of Palmyra, Representative CRESSEY of Cornish, Representative CROCKETT of Augusta, Representative CROSTHWAITE of Ellsworth, Speaker CUMMINGS of Portland, Representative CURTIS of Madison, Representative DILL of Cape Elizabeth, Representative DRISCOLL of Westbrook, Representative DUCHESNE of Hudson, Representative DUNN of Bangor, Representative DUPREY of Hampden, Representative EATON of Sullivan, Representative EBERLE of South Portland, Representative EDGEComb of Caribou, Representative EMERY of Cutler, Representative FAIRCLOTH of Bangor, Representative FARRINGTON of Gorham, Representative FINCH of Fairfield, Representative FINLEY of Skowhegan, Representative FISCHER of Presque Isle, Representative FISHER of Brewer, Representative FITTS of Pittsfield, Representative FLETCHER of

Winslow, Representative FLOOD of Winthrop, Representative GERZOSKY of Brunswick, Representative GIFFORD of Lincoln, Representative GILES of Belfast, Representative GOULD of South Berwick, Representative GREELEY of Levant, Representative GROSE of Woolwich, Representative HAMPER of Oxford, Representative HANLEY of Gardiner, Representative HARLOW of Portland, Representative HASKELL of Portland, Representative HAYES of Buckfield, Representative HILL of York, Representative HINCK of Portland, Representative HOGAN of Old Orchard Beach, Representative HOTHAM of Dixfield, Representative JACKSON of Allagash, Representative JACOBSEN of Waterboro, Representative JONES of Mount Vernon, Representative JOY of Crystal, Representative KAENRATH of South Portland, Representative KNIGHT of Livermore Falls, Representative KOFFMAN of Bar Harbor, Representative LANSLEY of Sabattus, Representative LEWIN of Eliot, Representative LORING of the Penobscot Nation, Representative LUNDEEN of Mars Hill, Representative MacDONALD of Boothbay, Representative MAKAS of Lewiston, Representative MAREAN of Hollis, Representative MARLEY of Portland, Representative MAZUREK of Rockland, Representative McDONOUGH of Scarborough, Representative McFADDEN of Dennysville, Representative MCKANE of Newcastle, Representative McLEOD of Lee, Representative MILLER of Somerville, Representative MILLETT of Waterford, Representative MILLS of Farmington, Representative MIRAMANT of Camden, Representative MOORE of Standish, Representative MUSE of Fryeburg, Representative NASS of Acton, Representative NORTON of Bangor, Representative PATRICK of Rumford, Representative PENDLETON of Scarborough, Representative PEOPLES of Westbrook, Representative PERCY of Phippsburg, Representative PERRY of Calais, Representative PIEH of Bremen, Representative PILON of Saco, Representative PINEAU of Jay, Representative PINGREE of North Haven, Representative PINKHAM of Lexington Township, Representative PIOTTI of Unity, Representative PLUMMER of Windham, Representative PRATT of Eddington, Representative PRESCOTT of Topsham, Representative PRIEST of Brunswick, Representative RAND of Portland, Representative RECTOR of Thomaston, Representative RICHARDSON of Carmel, Representative RICHARDSON of Greenville, Representative RICHARDSON of Warren, Representative RINES of Wiscasset, Representative ROBINSON of Raymond, Representative ROSEN of Bucksport, Representative SAMSON of Auburn, Representative SAVAGE of Falmouth, Representative SAVIELLO of Wilton, Representative SCHATZ of Blue Hill, Representative SILSBY of Augusta, Representative SIMPSON of Auburn, Representative SIROIS of Turner, Representative SMITH of Monmouth, Representative SOCTOMAH of the Passamaquoddy Tribe, Representative STRANG BURGESS of Cumberland, Representative SUTHERLAND of Chapman, Representative SYKES of Harrison, Representative THERIAULT of Madawaska, Representative THIBODEAU of Winterport, Representative THOMAS of Ripley, Representative TIBBETTS of Columbia, Representative TREAT of Farmingdale, Representative TRINWARD of Waterville, Representative TUTTLE of Sanford, Representative VALENTINO of Saco, Representative VAUGHAN of Durham, Representative WAGNER of Lewiston, Representative WALCOTT of Lewiston, Representative WALKER of Lincolnville, Representative WATSON of Bath, Representative WEAVER of York, Representative WEBSTER of Freeport, Representative WEDDELL of Frankfort, Representative WHEELER of Kittery, Representative WOODBURY of Yarmouth, Senator BARTLETT of Cumberland, Senator BENOIT of Sagadahoc, Senator

BOWMAN of York, Senator BRANNIGAN of Cumberland, Senator BROMLEY of Cumberland, Senator BRYANT of Oxford, Senator COURTNEY of York, Senator DAMON of Hancock, Senator DIAMOND of Cumberland, Senator DOW of Lincoln, President EDMONDS of Cumberland, Senator GOOLEY of Franklin, Senator HASTINGS of Oxford, Senator HOBBS of York, Senator MARRACHÉ of Kennebec, Senator MARTIN of Aroostook, Senator McCORMICK of Kennebec, Senator MILLS of Somerset, Senator MITCHELL of Kennebec, Senator NASS of York, Senator NUTTING of Androscoggin, Senator PERRY of Penobscot, Senator PLOWMAN of Penobscot, Senator RAYE of Washington, Senator ROSEN of Hancock, Senator ROTUNDO of Androscoggin, Senator SAVAGE of Knox, Senator SCHNEIDER of Penobscot, Senator SHERMAN of Aroostook, Senator SMITH of Piscataquis, Senator SNOWE-MELLO of Androscoggin, Senator STRIMLING of Cumberland, Senator SULLIVAN of York, Senator TURNER of Cumberland, Senator WESTON of Waldo.

On **OBJECTION** of Representative TARDY of Newport, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **TARDY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Several months ago, our legislative family lost a beloved and valued member, when we lost Representative Abigail Holman. I think we would all agree that through our legislative service, members of this body share a bond: It is a bond that is based on our love and dedication to public service, it is a bond that crosses party lines, and it is a bond that is especially felt during a time of loss. I think we would all agree that Abby's legacy left to us is tenacity, determination, and passion to make our State of Maine better for the people of Maine.

At the time of our loss, our legislative family came together. We mourned, remembered our friend, and celebrated the impact that she made upon us. Today is our legislative family's opportunity to invite Abby's real family here to Augusta, sort of a reunion of families, here, today, at the people's House, so that Abby's lifelong quest to make Maine better can be acknowledged, and so that our legislative family can express to the Holman family, to Jeff Timm, to Abby's closet friends, and especially to Molly. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from South Berwick, Representative Gould.

Representative **GOULD**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I met Abigail Holman in early May 2006. I met her in the sitting area at the Holiday Inn in Portland; but by then, I had already heard her name many times from my paralegal, whom Abby was driving absolutely crazy, with her demands that I must have some free time in my schedule on the one day that she was free. I agreed to meet Abby during a break in a seminar I was attending, both of us being in Portland that day, and I waited and I waited for a late Abby.

The stage for that first meeting was not the best, and I have to tell you that the first meeting really was not the best. I walked out of that meeting thinking that Abby Holman was a pushy; well, that she was pushy, and then I had the extreme pleasure and privilege of getting to know Abby in the few short months that we served together here.

I very quickly learned that Abby was not so much pushy, but Abby was passionate. Everything she did, she did with complete energy and passion, and she did everything all at once: mother, fiancée, attorney, legislator, leader in our caucus, trying to keep Tardy in line; running between two committees as a freshman;

and somehow she still always managed to ask intelligent questions, to, as Representative Tardy reminded us, to ask the tough question—every time.

I was so privileged to serve with her in this great House, which she loved; to serve with her on Legal and Veteran Affairs; to have her, even for a very brief period of time, as a friend. For her birthday, I gave her a card that said, "Happy Birthday, from one timeless beauty to another." Of course, as a friend, I gave her a gift: candy, lots and lots of candy, with a note attached that said, "Eat up, cause I don't like anyone skinnier than me." I was very pleased to see her eat up with a big smile on her face. Madam Clerk, you probably would not have been quite so pleased to see the big smile, as she ate her candy in seat 20.

Mr. Speaker, you and the good Minority Leader, put me in Abby's seat on Judiciary and that, too, has been my privilege. While it is my privilege and honor to sit in her chair, I know that I will never fill her shoes. Abigail Holman was an amazing, amazing woman. Abigail Holman is passionate—and I do mean is passionate—because as sure as I am standing here, that kind of passion does not end. I know that when Abby went skiing through the gates of heaven, it took her all of five seconds to assess the lay of the land, head straight for the big guy and start giving him pointers on his marketing plan. Thank you, Mr. Speaker. Thank you, Abby.

The **SPEAKER**: The Chair recognizes the Representative from Winthrop, Representative Flood.

Representative **FLOOD**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Friends and Family of Abigail Holman, I am so glad that you are here today. When I took this job several years ago, they said, "Pat, there will be hard days," but I did not think this would be the hardest.

Abby and I were buddies for 20 years, and most of our 20 years was spent arguing about things, and almost always coming to the same answer as we finished. We always had different ways of getting to just about the same place and that is why I really, really enjoyed working with her.

I did not know what I was going to say until Saturday, and it just happened; so if my voice cracks, it does not bother me at all, so do not let it bother you.

Friends like Me

When they took Representative Holman, that same day they took Abby

And said, "Neither would be in tomorrow"

They took both a thinker and a fighter, part teacher, part "tiger"...

And left friends like me pierced with pained sorrow.

When they took Representative Holman, that same day they took Molly's mom

And told Jeff she would not be coming home

They took class, they took kindness; they took a "special" forthrightness

And left friends like me searching our souls.

When they took Representative Holman, that same day they took our kid sister

And said, "This, too, will pass in good time, friend"

They thought I'd have need for their honorable lie

And left friends to stare at that chair, yet again.

When they took Representative Holman, that same day they took my dear friend

And said, "She won't be coming back in"

They took the breath from my chest, and the warmth from my skin
And left friends like me lost all over—again.

And when they told me it was you, God, who took her that same day she left us
Dis-spirited disbelief is what I felt
Your kindness and Your caring—far too gracious for sharing
In this taking that makes these old grown men melt.

So, when I long for Representative Holman this day as I stand in this great House
I thank You, Lord, for sharing; and You, Lord, for caring
And for helping me figure this out.

When they took Representative Holman, You left us her passion
And said it was ours now, to be stronger and bolder
You left us a blessing, Lord, one brimmed with compassion
And left friends like me honored to know her.

Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Waterford, Representative Millett.

Representative **MILLETT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I, too, have had the benefit of Abby's friendship and acquaintance for about a 20-year period, from the time she first arrived on Governor McKernan's staff as a law school intern. I can say a lot of the same things that have been said previously, about the intensity and the passion with which she believed in causes, and how she always fought the good fight and never backed down.

I would like to concentrate on just a couple of incidents that demonstrate the other side of Abby and the Representative from South Berwick has eluded to them as well, and that is her sense of humor, even her tendency to engage in a prank now and then, and to enjoy it.

Some of you know that I have had a longtime passion, if not a semi addiction, for Werther's Originals. I carry with me constantly and pass them out to friends and colleagues whenever I feel appropriate. Well, Abby was a recipient, frequently, of a few Werther's, as members of Governor McKernan's staff, and it did not take her long to know which pocket I carried them in. It was a frequent occasion when and periods of great stress within the Governor's Office, and many of you recall that in the late 80's, early 90's, there was plenty of stress, when we would be gathered in the Governor's Office or in the Cabinet Room and all of the sudden I would feel a hand in my pocket, and it was Abby. You never questioned who it was, because only Abby would help herself in such a discrete way, and I enjoyed being the beneficiary of that thoughtful taking.

The other example, very briefly and not to overdue this, but at the funeral, Governor McKernan referred to an event that I just want to give you a little bit more of a feel for. At the very end of that eight year run, in the very last Cabinet retreat we were having down at South Maine Community College, we just finished the late afternoon session and unbeknownst to me, there was a plot at work to, in effect, I do not say it was to play a trick, but maybe to acknowledge my agricultural roots in a playful way, and I was asked by the Governor to take a seat up front. I was totally dumbfounded, not knowing what was coming. I was no more than seated when to the left from an adjacent door comes bounding in this fully dressed, young Holstein cow, and playfully jumps in my lap, complete with inflated udder, oversized udder I

might say, and I did not have a clue what was happening, but I knew in a minute that it was Abby. For those of you, male and female, who have ever milked a cow by hand, you know how awkward I felt. I can only tell you I resisted the temptation and, I think, felt good about the occasion, she and I.

But that is the Abby that I will remember. The intensity and the passion have been spoken to, and will again, I am sure, by others; but that constant smile, that intense loyalty, and that undying friendship.

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. In the course of our lives, we meet people who befriend us, inspire us, and encourage us. Abby, was one such person. I was constantly in awe of Abby. We would sit in committee and Abby could search the web and say, "Joan, here is a suit for you. I am emailing you the site. Buy it." She could write a testimony for a bill that she was presenting and ask questions at the same time. I could just sit there with my mouth open, wondering how she could possibly accomplish all of that at the same time.

But Abby was constantly thinking of others. It was not unusual to receive an email, 11:39 pm, "This will enhance your bill, call Mr. So and So. He will give you the information." It was not a question; it was an order.

Abby gave praise and made you to want to do your best. Most of all, I will remember Abby and the loves of her life, Molly and Jeff. Each weekend she would come in, in either committee, and tell me of what they had done together and how wonderful it was. She was very excited for the new life that she would begin.

When my husband was in the Army, we had a monthly event called "Hail and Farewell." As our friends departed, they left us with a bit of themselves that we could cherish in our hearts, so I hail and farewell, to you, Abby. I have learned so much from you and you have added to my life.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Crosthwaite.

Representative **CROSTHWAITE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The State of Maine lost a passionate advocate, on April 7th; and this Augusta body lost a talented and dedicated legislator, when we lost Abby Holman.

I am so pleased that we are taking time today, to express sincere sentiment of this House and its members, about Representative Holman. The words of kindness and the words of remembrance that are spoken about Abby this morning could never sum up her full measure. She was a terrific mother, a trusted friend and tireless public servant, who fought the good fight for the people of Maine. Her energy was contagious.

In her brief time here, she influenced all of her colleagues in one way or another. Abby Holman entered the building at many different stages in her life, in many different roles, in many different capacities. She came here as a citizen, she came here as young, staff lawyer, she came here as part of the lobby; and finally, she came here as an elected official. Every time she came here, it was with an unmatched energy and unbelievable passion to do what was right for our great state.

Mr. Speaker, Abby Holman's memory will not soon fade from these historic halls. Thank you, Holman family; thank you, Mr. Speaker; and thank you, Ladies and Gentlemen of the House.

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, the Holman Family, and Friends. Sometimes it helps to write a letter to one you've lost,

so I wrote a letter to Abby a few days after her death. It went something like this:

Dear Abby,

You would love the editorials you've gotten since your accident: You've been called "a force to be reckoned with." You received high compliments from commentators who called you "whippet like," "vital, attractive and athletic,"...and "fiercely dedicated to" everything you did. They said that you were very competent and controversial.

I'm sure you'd like that.

They say that nobody wanted to be on your bad side!... I'd sure have to agree with that.

You made your mark, you know, in just three months in this body.

Back in January, I was there when you fiercely cross-examined a young judicial nominee regarding his qualifications for the bench.

In February you appeared in front of Appropriations and argued passionately for more agricultural easements through the Land for Maine's Future program. You implored us tearfully to save our rural landscape and preserve the very character of my home state and yours. We thought of you when we voted on that bond package later this spring.

In April, just two days before your untimely death, with Molly present, during a particularly long session of the Judiciary Committee, you grilled a number of senior trial attorneys on issues relating to employment discrimination.

I enjoyed knowing you intermittently over twenty years and serving with you recently on Judiciary Committee this year. I enjoyed that because you were engaging. You asked questions. You didn't let anything ride. Not much got by you.

You and I argued about public policy quite a bit, during the many times we appeared on those "Public Opinion" television shows some years ago.

But we always agreed, and we took on all comers, when it came to defending the interests of Lewiston, your hometown, and Androscoggin County, and other parts of the "Other Maine," which we both love so dearly.

You were—and you always will be—a feisty freshman in the House, a wiry, well-dressed blonde, swishing through the halls with still-girlish gait, rushing from one committee, one meeting, to another, rising unexpectedly on the floor to speak, trying to defeat a unanimous report,...impatient to get things done now, to make changes, to get people to see things your way.

You will always be so vivid in our mind's eye—always sporty, spunky and smart—irrepressibly smart.

I see you gritting your teeth suddenly facing that tree, fighting in those final mini-seconds to defeat and defy your own death, to live instead to raise your little girl, take care of a farm, keep things stirred up in Augusta and all over this state.

A tree took your life, with cutting cruelty and sudden force.

Your tragic loss is a cruel reminder of our own infallibility, our mortality, the conceit of our own abridged existence. Your death is a loss to us personally because it is the loss of a piece of each and every one of us.

Now each time we hear the clanging of those bells, calling us to attention, bringing us to action, we think of you.

The bells in this hall that make us run and rush and sometimes make our brains feel ragged,... Today those bells, they ring a little slower, they sound a little lower. They just don't mean as much. None of our business here seems quite as urgent or important as it once was.

Today we hear those bells and they remind us instead of the meditation John Donne penned nearly four hundred years ago, when he said:

"No man is an island,
Entire of itself.
Each is a piece of the continent,
A part of the main....
Each person's death diminishes me,
For I am involved in mankind.
Therefore, send not to know
For whom the bell tolls,
It tolls for thee.

Abby, we thank you for your contributions to this institution, to our committees and to our state. Please tell God to help us remember you forever, and to always appreciate what we have today.

God rest your soul.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Crockett.

Representative **CROCKETT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is with deep sadness that I stand to express my sincere sympathy to the family of Abigail Holman, especially her lovely daughter, Molly.

I had the privilege and the honor to join Representative Holman as a freshman member of this 123rd Legislature. Before this session, Abby and I both worked in this great system as lobbyists. I have worked both with and against Abby on legislation for our clients, and I can tell you, it was a lot more fun to be working with Abby, than against her on any issue. She was tireless in her dedication to seeing that legislation for her clients was passed.

I can remember going to Abby's home for the wake of her husband, Andrew, and when we hugged, I thought how fragile she was. But we all know how strong she was. Abby was a great example of what anyone can achieve with hard work, dedication, and determination. Representative Holman was a great addition to the 123rd Legislature. The State of Maine is a better place. I want to thank Abby's family for sharing her with us.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative Finley.

Representative **FINLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I got a phone call from this person named Abby Holman, and like Bonnie, it was probably around May or June. This slight, young woman was sitting in a booth in the restaurant armed with campaign initiatives and lots of advice. It did not take long to realize the intelligence and spirit of this young lady.

One of the things that I immediately saw was her commitment and passion to the things she believed in. She told me to always remember that we are sent to Augusta to make tough decisions, not to make friends; and she looked me directly in the eye and said, "Nice people don't win. People who are strong and committed win."

She was one of the first people that I knew when I arrived here, and she shared with me the story of her engagement, and how Jeff included Molly and asked her permission, and we shed a tear of joy. I quickly had great love and respect for Abby. I only wish I had known her longer. A bright and guarding light is gone from our lives, but her spirit is here today. Thank you.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Dill.

Representative **DILL**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I, also, met Abby Holman in Fall 2006 at the Inauguration of the Chief Executive. We sat together; sized each other up and I immediately knew I liked Abby. Abby had a crackling energy that I found irresistible, and even though more than a few people in my caucus warned me that she would be trouble, that only presented another challenge. I saw in Abby a great opportunity for friendship. I remember telling my family at the dinner table that I had met this new friend, Abby; the only problem was that she was a Republican, with all due respect.

Not only was there a great opportunity for friendship, but there was a great opportunity for Abby and I to do things together, big and small, for the State of Maine. I have a fond memory in Judiciary of passing notes to one another, trying to find solutions, while at the same time, not taking each other too seriously or taking ourselves too seriously. I miss Abby and I am very grateful for the brief friendship that I had. Thank you.

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

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I know these things are usually carefully orchestrated. I decide to speak once the conversation had started, and I hope as I tread carefully you will appreciate, I want to let you know what I have learned since Abby's passing.

I knew Abby for five and a half years, when she passed away, people back home would say, "Was she your friend?" I said, "Well, she was my adversary." For five and a half years; first, when I served on the Committee on Ag, Conservation and Forestry, she represented the Maine Forest Products Council; then when she actively worked against my first reelection campaign. But I can tell you that I had a tremendous amount of respect for Abby. I saw the humor, I saw some of what you all had, but primarily what I saw was the intelligence and tenacity that I greatly respect. But I wanted you to know what has changed since she has passed, and I hope that her friends and family find this helpful.

It is never as simple as we want to it to be and people are never one-dimensional. At Abby's funeral, listening for the first time to the Holstein story, and listening to how she touched all of you, I realized that I do not think any person is the one aspect that we may come to know. What I have taken away from the loss of Abigail Holman is my commitment to look at people who seem to be one-dimensional and to know that there something beyond that. I know that this is an unbearable loss, but I hope there is some comfort in knowing, and I want to share that with all of you and perhaps you, too, can look at people that you want so much to work against and to realize there probably is much more below that you are not aware of, and take that as we move forward. Thank you.

The SPEAKER: The Chair recognizes the Representative from Mount Vernon, Representative Jones.

Representative **JONES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am very honored that my first time rising in this House is to speak in honor and memory of Abby Holman.

One year ago, this month, I faced something that I hope none of you ever face, and that is running against Abigail Holman. She was absolutely a tiger. I visited 3,000 doors once; she visited many of them three and four times. It was not easy running against her, because even though we were of different parties, Abby and I had many similar missions and many similar goals, and I admired her.

On that cold morning in November, when I realized that I had lost to her by a substantial margin, she called me. That morning, I stopped becoming someone that was running against her and I became her constituent. As my Representative, she represented me exceptionally well. She kept me up-to-date on everything. I really, really appreciated what she did. She was an excellent Representative, from my speaking as a constituent. The people of District 83 have elected me to serve them, but they have not elected me to replace Abigail Holman. She is totally irreplaceable, and I miss her very much. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from North Haven, Representative Pingree.

Representative **PINGREE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Many of us, especially on this side of the aisle, were just getting to know Abby Holman. The one thing I did know about her is that Abby Holman was no freshman. She arrived in this body and immediately she was sitting right across from me, I could see she was telling Josh Tardy what to do; he actually recounted in an incredible eulogy he gave at her funeral service.

Abby was a powerhouse woman. We still do not have enough women serving in this body, and I can tell you that Abby was one, even on the other side of the aisle, I could see moving very far ahead, being Governor of this state, being a powerful adversary, being a woman who cared a great deal about this state and the people who all of us serve.

Her funeral service was one of the most moving services that I have ever attended. Not knowing Abby that well, hearing the stories about her life and all that she had accomplished, put all of us, I think, in awe of Abby.

I think the last days of her life, I think it was a Thursday or Friday in this body, Molly was here. First, I know she was actually running the Republican caucus early in the morning. At lunchtime, I talked to Abby and Molly in the cafeteria and both had huge grins on their faces.

I just want to say on behalf of this body that we are thinking of you, the Holman family; we are thinking especially of you, Molly: Molly with a twinkle in her eye, the same powerful force as her mother. Molly, you are a part of this institution, I hope someday you will consider running for this office, and you are always welcome here. Thank you, Mr. Speaker.

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 served with Abby on the Judiciary Committee. I did not know her very long, but I observed how quick she was and how intelligent she was, the in-depth questions she would ask, attorneys that—I would sit there and it would just go right over my head, so I would have to come in and say, "Well, I am not an attorney, but could you please

clarify?" But what really, really struck me, and why I am standing here to say something, is the loss.

At the age of 10 years old, I lost my mother; she was 35. I sort of identified with Molly. What really comforted me during those days; at that time, they waked people in your home, and they waked my mother in my home; what comforted me was a poem and it went something like, "When the loom is silent and the shutters cease to fly, will God unfold the reason and explain the reason why? The dark threads are as needful in the weaver's skillful hands, as those of gold and silver in the pattern which he planned." I hope that those words are some comfort to Molly and to the family.

Subsequently, the Sentiment was **PASSED** and 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 Friday, June 15, 2007, 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 Allow Municipalities To Establish Foundations To Support Education

(H.P. 533) (L.D. 702)

TABLED - April 10, 2007 (Till Later Today) by Representative PINGREE of North Haven.

PENDING - **PASSAGE TO BE ENACTED.**

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-246)** on Bill "An Act To Govern Publicly Funded Advertising during Campaigns"

(S.P. 630) (L.D. 1779)

Signed:

Senator:

PLOWMAN of Penobscot

Representatives:

MOORE of Standish

WEDDELL of Frankfort

PINKHAM of Lexington Township

TRINWARD of Waterville

NASS of Acton

GOULD of South Berwick

FITTS of Pittsfield

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

Signed:

Senators:

MARRACHÉ of Kennebec

BRYANT of Oxford

Representatives:

PATRICK of Rumford

TUTTLE of Sanford

BLANCHETTE of Bangor

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-246) AS AMENDED BY SENATE AMENDMENT "A" (S-302)** thereto.

READ.

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

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-191)** on Bill "An Act To Revise Maine's Utility Reorganization Laws"

(S.P. 679) (L.D. 1866)

Signed:

Senators:

BARTLETT of Cumberland

HOBBINS of York

Representatives:

RINES of Wiscasset

BLISS of South Portland

ADAMS of Portland

BERRY of Bowdoinham

HINCK of Portland

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

Signed:

Senator:

SMITH of Piscataquis

Representatives:

THIBODEAU of Winterport

BLANCHARD of Old Town

CURTIS of Madison

FLETCHER of Winslow

FITTS of Pittsfield

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

READ.

On motion of Representative BLISS of South Portland, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Support Small, Local and Efficient Hospitals"

(H.P. 500) (L.D. 651)

Signed:

Senator:

BRANNIGAN of Cumberland

Representatives:

PERRY of Calais

WALCOTT of Lewiston

MILLER of Somerville

BEAUDOIN of Biddeford

CONNOR of Kennebunk

WALKER of Lincolnville
CAMPBELL of Newfield
GROSE of Woolwich

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

Signed:
Senator:
RAYE of Washington

Representatives:
LEWIN of Eliot
FINLEY of Skowhegan

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

READ.

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-586)** on Resolve, To Study Adoption Laws and Practices (EMERGENCY)

(H.P. 307) (L.D. 391)

Signed:
Senator:
HOBBINS of York

Representatives:
SIMPSON of Auburn
BRYANT of Windham
MILLS of Farmington
DUNN of Bangor
CASAVANT of Biddeford
DILL of Cape Elizabeth
BERUBE of Lisbon

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

Signed:
Senators:
NUTTING of Androscoggin
HASTINGS of Oxford

Representatives:
JACOBSEN of Waterboro
NASS of Acton
GOULD of South Berwick

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

READ.

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

Representative FARRINGTON of Gorham **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 Gorham, Representative Farrington.

Representative **FARRINGTON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I will be voting against the pending motion and urge my colleagues to do the same. It is not that I disagree with the idea that some aspects of Maine's adoption law could benefit from further study; however, Ladies and Gentlemen of the House, there are some pressing aspects of adoption law that we can and should address in this session. There are certain aspects of adoption law that have been studied repeatedly and that call for our action now, and I do not want anyone in this body to be under the illusion that we have addressed the pressing matters related to adoption, by simply committing them to further study, when in fact, we would only be delaying a decision. Therefore, I urge you to recognize that there are changes that we can and should make this session, and I ask you to vote against the pending motion to commit these matters to further study. Thank you, Mr. Speaker.

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

Representative **MILLS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I urge you to vote for the Majority Report for the following reasons: The gentleman just said there have been things already studied; about 20 years ago there was a comprehensive study of our adoption laws. There has been no comprehensive study since that time, although we have seen a flurry of legislation from year to year, addressing different aspects of our adoption laws, I think this study is needed and it is vital to update our statutes with respect to balancing the privacy rights of birth parents, versus the need for access to medical records and human information by an adult adoptee. We do not have a good coming together of those stakeholders at this point.

People involved in the study, as proposed by this bill, would include: sexual assault advocates, members of the Legislature, members of agencies involved in adoption processes. This would be a good coming together, over a period of time, to air the issues amongst those parties in an appropriate setting.

We also need to look at updating medical records. Since the last study almost 20 years ago, legislation has been enacted at the federal and state level involving medical records and access to medical records; DNA is an evolving science that did not really exist in common society 20 years ago. What a birth parent may leave for medical information is an issue of some debate, and a great deal of information needs to be gathered with respect to that.

I see no harm in this study. I see that it could be very, very beneficial, and bring us back some good information and recommendations for the next legislative session. Thank you.

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

Representative **JACOBSEN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In Committee, I voted Ought Not to Pass on this. After more consideration, I am changing my mind. I do believe, in fairness to all parties that have been involved in adoptions, that an up-to-date study with further consideration should be made. Thank you.

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. 155

YEA - Adams, Beaudette, Beaudoin, Blanchard, Blanchette, Bliss, Brautigam, Bryant, Cain, Campbell, Canavan, Casavant, Cleary, Connor, Conover, Craven, Crockett, Dill, Duchesne,

Dunn, Eaton, Eberle, Faircloth, Fischer, Flood, Gerzofsky, Giles, Harlow, Haskell, Hayes, Hill, Hinck, Jackson, Jacobsen, Jones, Kaenrath, Koffman, MacDonald, Marley, Mazurek, McDonough, Miller, Mills, Miramant, Norton, Patrick, Pendleton, Peoples, Percy, Pieh, Pilon, Pineau, Pingree, Piotti, Plummer, Pratt, Priest, Rand, Richardson D, Rines, Samson, Silsby, Simpson, Sirois, Smith N, Theriault, Trinward, Valentino, Wagner, Watson, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Babbidge, Barstow, Beaulieu, Berry, Boland, Browne W, Burns, Carter, Cebra, Chase, Clark, Cotta, Cray, Crosthwaite, Curtis, Duprey, Edgecomb, Emery, Farrington, Finch, Finley, Fisher, Fitts, Fletcher, Gifford, Gould, Grose, Hamper, Hanley S, Hogan, Joy, Knight, Lansley, Lewin, Lundeen, Makas, Marean, McFadden, McKane, McLeod, Millett, Muse, Nass, Pinkham, Prescott, Rector, Richardson W, Robinson, Rosen, Savage, Saviello, Schatz, Strang Burgess, Sutherland, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Treat, Vaughan, Walker, Weaver.

ABSENT - Berube, Cressey, Driscoll, Greeley, Hotham, Moore, Perry, Richardson E, Tuttle, Walcott, Webster.

Yes, 74; No, 66; Absent, 11; Excused, 0.

74 having voted in the affirmative and 66 voted in the negative, with 11 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-586)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-586)** and sent for concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-592)** on Bill "An Act To Eliminate Tax Increment Financing for Retail Businesses"

(H.P. 179) (L.D. 208)

Signed:

Senators:

PERRY of Penobscot
STRIMLING of Cumberland
NASS of York

Representatives:

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

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

Signed:

Representatives:

CLARK of Millinocket
CHASE of Wells

READ.

The **SPEAKER**: The Chair recognizes the Representative from Unity, Representative Piotti.

Representative **PIOTTI**: Thank you, Mr. Speaker. I just do not want to alarm any member of the Chamber with the title of this bill, "An Act To Eliminate Tax Increment Financing for Retail Businesses," that is not what the amended bill does. The amended bill converts it to a resolve, and simply directs the Department of Economic and Community Development to provide us with some information, so that we can investigate this appropriately.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-592)** 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-592)** and sent for concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 218) (L.D. 262) Bill "An Act To Amend the Credit for Rehabilitation of Historic Properties" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-595)**

(H.P. 507) (L.D. 658) Bill "An Act To Protect the Health of Infants" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-598)**

(H.P. 735) (L.D. 975) Resolve, To Provide Reimbursement for Residential Care Facilities for Rising Heating Costs and Cost-of-living Adjustments Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-599)**

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

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

ENACTORS

Emergency Measure

Resolve, Regarding Legislative Review of Chapter 007: Implementation of the Essential Programs and Services Funding Model, a Major Substantive Rule of the Department of Education
(H.P. 727) (L.D. 967)
(H. "A" H-398)

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

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

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Friday, June 15, 2007, had preference in the Orders of the Day and continued with

such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (9) **Ought Not to Pass** - Minority (3) **Ought to Pass as Amended by Committee Amendment "A" (H-261)** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Adjust the School Funding Formula with Regard to Unorganized Territories" (H.P. 368) (L.D. 484)

TABLED - May 22, 2007 (Till Later Today) by Representative NORTON of Bangor.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

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

Representative **NORTON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. All of thee are aforementioned; so again, there is an amendment that corrects the unintended consequences which will be offered, so that is why we are going in this direction.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-261)** was **READ** by the Clerk.

Representative CARTER of Bethel **PRESENTED** House Amendment **"B" (H-600)** to **Committee Amendment "A" (H-261)**, which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-261) as Amended by House Amendment "B" (H-600) 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" (H-261) as Amended by House Amendment "B" (H-600)** thereto and sent for concurrence. **ORDERED SENT FORTHWITH.**

SENATE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (S-175)** - Minority (4) **Ought Not to Pass** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Relating to the Wells-Ogunquit Community School District"

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

- 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-175)**.

TABLED - June 15, 2007 (Till Later Today) by Representative NORTON of Bangor.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

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

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

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

On motion of Representative PINGREE of North Haven, **TABLED** pending the motion of Representative NORTON of Bangor to **ACCEPT** the Minority **Ought Not to Pass** Report and later today assigned. (Roll Call Ordered)

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Provide Adult Adoptees Access to Their Original Birth Certificates"

(H.P. 802) (L.D. 1084)

Signed:

Senators:

HOBBINS of York

HASTINGS of Oxford

Representatives:

SIMPSON of Auburn

BRYANT of Windham

MILLS of Farmington

BERUBE of Lisbon

JACOBSEN of Waterboro

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-601)** on same Bill.

Signed:

Senator:

NUTTING of Androscoggin

Representatives:

DUNN of Bangor

DILL of Cape Elizabeth

CASAVANT of Biddeford

NASS of Acton

GOULD of South Berwick

Representative LORING of the Penobscot Nation - of the House - supports the Minority **Ought to Pass as Amended by Committee Amendment "A" (H-601)** Report.

READ.

Representative SIMPSON of Auburn moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-321)** on Bill "An Act To Eliminate the Property Tax on Business Equipment Owned by Small Retailers"

(S.P. 318) (L.D. 1001)

Signed:

Senators:

PERRY of Penobscot

NASS of York

Representatives:

KNIGHT of Livermore Falls

CLARK of Millinocket

WOODBURY of Yarmouth

HOTHAM of Dixfield

CHASE of Wells

PILON of Saco

LANSLEY of Sabattus

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

Signed:

Senator:

STRIMLING of Cumberland

REPORTS OF COMMITTEE
Divided Report

Representatives:
 RAND of Portland
 WATSON of Bath

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-321)**.

READ.

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

ENACTORS

Emergency Measure

An Act To Fund the Western Maine Career Centers
 (H.P. 439) (L.D. 572)

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

Emergency Measure

An Act To Support the Capital Riverfront Improvement District
 (S.P. 195) (L.D. 603)

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. 108 voted in favor of the same and 12 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Assist the Community Affected by the Closure of the Cutler Naval Base

(H.P. 559) (L.D. 738)
 (C. "A" H-558)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 128 voted in favor of the same and 2 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 Maine Certificate of Need Act of 2002
 (H.P. 1229) (L.D. 1763)
 (C. "A" H-569)

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

Representative PINGREE of North Haven **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.

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

Mandate

An Act To Require Notification before Withdrawal of Land from Classification under the Maine Tree Growth Tax Law for Failure To File Certain Statements

(H.P. 557) (L.D. 736)
 (C. "A" H-577)

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

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

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

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

Representative **JACKSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Not to slow the process down, but is there any chance we could get just a quick explanation of what this bill is?

The **SPEAKER**: The Representative from Allagash, Representative Jackson has posed a question through the Chair to anyone who may care to respond. Hearing none.

On motion of Representative TUTTLE of Sanford, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

Mandate

An Act To Provide Information to Property Tax Payers

(H.P. 837) (L.D. 1144)
 (C. "A" H-570)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. 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. 128 voted in favor of the same and 6 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Mandate

An Act To Clarify Election Laws Concerning Election Clerks' Qualifications

(H.P. 29) (L.D. 27)
 (C. "A" H-568)

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

On motion of Representative PATRICK of Rumford, 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-568)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-587)** to **Committee Amendment "A" (H-568)** which was **READ** by the Clerk.

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

Representative **PATRICK**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, Friends, and Colleagues. All this amendment does is removes the mandate

preamble, which was included in the committee amendment in error. Thank you.

House Amendment "A" (H-587) to Committee Amendment "A" (H-568) was ADOPTED.

Committee Amendment "A" (H-568) as Amended by House Amendment "A" (H-587) thereto was ADOPTED.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-568) as Amended by House Amendment "A" (H-587)** thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

Acts

- An Act To Increase Access to After-school Programs
(H.P. 61) (L.D. 63)
- An Act To Provide Funding for Mentoring Programs
(H.P. 63) (L.D. 65)
- An Act To Increase the Availability of Cellular Telephone Service for Rural Residents
(H.P. 249) (L.D. 305)
- An Act To Provide Funds for the Coordination and Promotion of the 400th Anniversary of the Popham Colony
(S.P. 100) (L.D. 318)
- An Act To Provide a Tax Credit for the Purchase of Small Wind Power Generators for Personal or Small Business Use
(H.P. 279) (L.D. 349)
(C. "A" H-548)
- An Act To Create the Maine Fishery Infrastructure Tax Credit Program
(H.P. 288) (L.D. 358)
(C. "A" H-581)
- An Act To Establish a Pilot Program for Return of Unused Prescription Drugs by Mail
(H.P. 327) (L.D. 411)
- An Act To Clarify Confidentiality in Child Protective Proceedings
(S.P. 194) (L.D. 602)
(C. "A" S-303)
- An Act To Provide Funding for Transitional Employment Training Opportunities for Persons with Mental Illness
(H.P. 506) (L.D. 657)
- An Act To Promote Economic Growth through Entrepreneurship, the Creative Economy and Rural Economic Development
(S.P. 207) (L.D. 670)
- An Act To Restore Funding to the Maine Joint Environmental Training Coordinating Committee
(S.P. 211) (L.D. 674)
- An Act To Fund the Fractionation Development Center
(S.P. 224) (L.D. 707)
- An Act To Exempt from Excise Tax Maine Military Personnel Who Are Serving Their Tours of Duty in Maine
(H.P. 678) (L.D. 893)
(C. "A" H-580)
- An Act To Encourage Wind Energy Development
(S.P. 351) (L.D. 1099)
(C. "A" S-313)
- An Act To Allow the State Timely Opportunity To Participate in Settlement Negotiations for MaineCare Benefits
(H.P. 1091) (L.D. 1566)
(S. "A" S-306)
- An Act To Amend the Animal Welfare Laws
(H.P. 1137) (L.D. 1615)
(C. "A" H-567)

An Act To Allow the City of Auburn To Adjust the Definition of "Original Assessed Value" for the City of Auburn's Mall Area Municipal Tax Increment Financing District and the City of Auburn's Downtown Area Municipal Tax Increment Financing District
(H.P. 1324) (L.D. 1892)

An Act To Clarify and Affirm the Scope of Services Available to Persons with Mental Retardation or Autism
(S.P. 707) (L.D. 1907)

(C. "A" S-297)

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 Provide Information to Maine Citizens Regarding Maine's Tax Laws
(H.P. 970) (L.D. 1378)
(C. "A" H-571)
- Resolve, To Improve Maine's Homemaker Services Program
(S.P. 606) (L.D. 1699)
(C. "A" S-299)
- 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 Protect Fair Share Workers from Termination
(S.P. 714) (L.D. 1915)
(C. "A" S-274)

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

On motion of Representative ROBINSON of Raymond, 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. 156

YEA - Adams, Babbidge, Barstow, Beaudette, Beaudoin, Berry, Blanchard, Blanchette, Boland, Brautigam, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Clark, Cleary, Connor, Conover, Craven, Crockett, Dill, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Gerzofsky, Gifford, Grose, Hanley S, Harlow, Haskell, Hayes, Hill, Hogan, Jackson, Jones, Kaenrath, Lundeen, MacDonald, Makas, Marley, Mazurek, Miller, Mills, Miramant, Norton, Patrick, Pendleton, Peoples, Percy, Pieh, Pilon, Pingree, Piotti, Pratt, Priest, Rand, Rines, Schatz, Simpson, Sirois, Smith N, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Wagner, Walcott, Watson, Weddell, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Beaulieu, Browne W, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Duprey, Edgecomb, Emery, Finley, Fitts, Fletcher, Flood, Giles, Gould, Greeley, Hamper, Jacobsen, Joy, Knight, Lewin, Marean, McDonough, McKane, McLeod, Millett, Muse, Nass, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Samson, Savage, Saviello, Strang Burgess, Sykes, Tardy, Thibodeau, Tibbetts, Vaughan, Walker, Weaver, Woodbury.

ABSENT - Berube, Bliss, Cressey, Driscoll, Fisher, Hinck, Hotham, Koffman, Lansley, McFadden, Moore, Perry, Pineau, Richardson E, Silsby, Thomas, Webster.

Yes, 81; No, 53; Absent, 17; Excused, 0.

81 having voted in the affirmative and 53 voted in the negative, with 17 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Expand the Pine Tree Development Zone Benefits to Small and Midsize Maine Manufacturers

(H.P. 1364) (L.D. 1926)

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

Representative **FAIRCLOTH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I just want to take a moment. This legislation has had a long and winding road, shall we say, this session, and I wanted to note the excellent work of the Chair, Representative Smith of Monmouth, and the members of the BRED Committee. Every piece of legislation has its travails, but it is fair to say that this one has had a little bit more than others had, but we have gotten there, and they are to be credited for the success.

I also wanted to specifically note the good Representative from Portland, Representative Harlow, who has been involved in various ways in this, and his sincere and strenuous efforts are to be credited as well.

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. 157

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

NAY - NONE.

ABSENT - Berry, Berube, Bliss, Cressey, Driscoll, Eberle, Fisher, Hinck, Hotham, Moore, Perry, Pineau, Richardson E, Schatz, Silsby, Webster.

Yes, 135; No, 0; Absent, 16; Excused, 0.

135 having voted in the affirmative and 0 voted in the negative, with 16 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

SENATE PAPERS

The following Joint Resolution: (S.P. 734)

JOINT RESOLUTION RECOGNIZING LYNN RANDALL ON HER RETIREMENT AS STATE LAW LIBRARIAN

WHEREAS, Lynn Randall is the State Law Librarian and is retiring this year after working at the Maine State Legislative Law Library since 1978, first as a library clerk, then through promotion in other positions and, since 1988, as the State Law Librarian; and

WHEREAS, Lynn Randall is a 1977 graduate of the University of Maine, where she majored in French, a language that she used to great advantage with visiting Francophone delegations, and she received her Master's degree from the School of Library Service at Columbia University in 1981, as well as earning a Certificate of Advanced Librarianship in 1982; and

WHEREAS, Lynn Randall has contributed immensely to her profession, serving as president of the Maine Library Association and being elected as President of the Law Librarians of New England, which is a regional chapter of the American Association of Law Librarians; and

WHEREAS, Lynn Randall has served as Placement Chair of the American Association of Law Libraries and traveled to Madagascar and served as a consultant for the United States Agency for International Development and the National Conference of State Legislatures to participate in a development project for the parliamentary library of that nation; and

WHEREAS, Lynn Randall has been invaluable to the people of Maine with her exemplary and outstanding service orientation to the patrons of her library, and she has earned the respect and affection of all who have worked with her, including government officials at all levels, the legal community and the citizens of the State of Maine; and

WHEREAS, Lynn Randall has at all times exhibited high professional standards, and in addition to her commitment to excellence and her indefatigable and inspirational character of gentle strength, quiet humor and knowledge and sincere respect for the institution that she served, she also has a musical talent and has traditionally been part of the annual holiday caroling and the musical performances at the end of the legislative session; and

WHEREAS, Lynn Randall exemplifies the best in Maine people, and we take this opportunity to acknowledge her long and distinguished career whereby she has demonstrated her dedication and contributions to her state and to the Maine Legislature; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-third Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to formally express our great appreciation for Lynn Randall's many years of dedicated service to the People of the State of Maine, and we send her our congratulations and best wishes on the occasion of her retirement; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to Lynn Randall.

Came from the Senate, **READ** and **ADOPTED**.

READ.

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

Representative **FAIRCLOTH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I was hired to be legal counsel to the State Senate more years than I care to remember ago, and spent a lot for time in the Law Library, in addition to the Senate President's Office. At that time, there was a young woman, Lynn Randall, still young, who was incredibly responsive about any issue you would raise. No matter the obscurity, she could find the answer whether it was legal, or the arcane political history of this state, she was able to respond—not just respond, but she would respond within hours and sometimes minutes, and I have seen the consistency of that rapid-fire response hold true to the very day we celebrate here: her retirement.

She has been a tremendous servant to the citizens of this state. You will often hear, when you travel around the public, people talk about people who work for the state in sometimes-pejorative terms, but I would dare anyone to show me in the private sector or any place else, anyone more hardworking, more responsive, more quick to get the job done in a truly, effective way. She will be very much missed by everyone, and certainly by me. I thank the members of the House.

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

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Lynn Randall is highly competent, as the Representative from Bangor said; she is also a wonderful neighbor. She and I, as things are in Maine, we are not neighbors on the same road, but our forestlands adjoin, so we are neighbors through the backwoods.

I know Lynn not just from her incredible work here, but also from the weekend walks she takes. At first, it was with "Peppy," her dog who I think is on par with my "Honey" dog that is 17 years old. "Peppy" has now retired and she has a new dog that she is out walking with on the weekends. I congratulate Lynn on her fine work and wish her well in her retirement, and hope that she has many years ahead to work on the forestlands between the Tilson Road and the Sanborn Road, and also to be walking whatever dogs come her way.

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

Representative **NORTON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I had to stand up and say a few words. Since Lynn is a former student of mine, I am sure she is far too young to be retiring; however, having said that, I do want to wish her all the best and say that some of us will truly miss seeing her around.

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

Representative **KNIGHT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise, too. I did not realize this was going to be on the docket today. As one of the freshman members of this body, I have to tell that I have been into the Library several times and Lynn Randall has been just a tremendous asset to me, as someone who does not know my way around. She has been terrific help on some of my controversial bills that have been defeated, here in this House, but she gave me a lot of information to work with, and I just want to wish her the very best in her retirement. She is far too young to retire, but we wish you the very best and I want to go on the record on that. Thank you.

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Friday, June 15, 2007, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

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

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

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

- In Senate, Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**. **TABLED** - June 11, 2007 (Till Later Today) by Representative **PINGREE** of North Haven.

PENDING - FURTHER CONSIDERATION.

Subsequently, on motion of Representative **SMITH** of Monmouth, the House voted to **RECEDE AND CONCUR**.

SENATE PAPERS

Non-Concurrent Matter

An Act To Enact the Home Care Consumer and Worker Protection Act

(H.P. 1069) (L.D. 1544)

(C. "A" H-535)

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

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

On motion of Representative **TUTTLE** of Sanford, the House voted to **INSIST** and **ASK** for a **COMMITTEE OF CONFERENCE**. Sent for concurrence.

ENACTORS

Emergency Measure

Resolve, Honoring Women Veterans of Maine

(S.P. 85) (L.D. 248)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. 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. 128 voted in favor of the same and 0 against, and accordingly the Bill was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Provide Funding to the St. Francis Water District for New Wells

(H.P. 157) (L.D. 186)

An Act To Support the Maine Keeping Seniors Home Program

(H.P. 614) (L.D. 817)

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.

An Act To Incorporate the Greater Augusta Utility District
(S.P. 621) (L.D. 1754)
(C. "A" S-314)

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

On motion of Representative BLISS of South Portland, was **SET ASIDE**.

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

Resolve, Establishing an Apportionment Commission To Increase the Number of Androscoggin County Commissioners
(H.P. 1349) (L.D. 1916)
(C. "A" H-507)

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

On motion of Representative BARSTOW of Gorham, was **SET ASIDE**.

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

CONSENT CALENDAR

First Day

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

(S.P. 350) (L.D. 1033) Bill "An Act Regarding the Mandatory Administration of Medication in Hospitals Serving Psychiatric Patients" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-332)**

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

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-281)** on Bill "An Act To Reduce the Income Tax"

(S.P. 303) (L.D. 952)

Signed:

Senator:

NASS of York

Representatives:

PIOTTI of Unity

KNIGHT of Livermore Falls

WOODBURY of Yarmouth

HOTHAM of Dixfield

WATSON of Bath

CHASE of Wells

PILON of Saco

LANSLEY of Sabattus

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

Signed:

Sensors:

PERRY of Penobscot

STRIMLING of Cumberland

Representatives:

RAND of Portland

CLARK of Millinocket

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

READ.

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

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

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

Expression of Legislative Sentiment recognizing Louise Mable Briggs Gamage, 94, of Litchfield.

(HLS 618)

Which was **TABLED** by Representative SMITH of Monmouth pending **PASSAGE**.

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

Representative SMITH: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Louise Mable Briggs Gamage is living history. She has led a most fascinating life, so far, and continues to enjoy whatever life brings to her every day, including the adventure of a trip to the House Chamber, today.

At the Blaine House, she worked as what is called a "spare," everyday, in one capacity or another: upstairs maid, downstairs maid, laundress, cooking, serving at the Governor's table for teas, and giving tours of the Blaine House to visitors; truly, a jill-of-all-trades. Everyone loved her, and the children who came to the Blaine House to live were enchanted with her loving ways. All of the governors at the Blaine House held her in highest esteem.

Her career began with Governor Cross, in 1953, and continued with Governors Muskie, Haskell, Reed, Curtis, Longley, Brennan, and McKernan. She retired in 1998.

I tried to get stories from her to add to liven this up a little bit. She told me one that I really should not repeat here, so I will not, and I know that there are many other stories being there for that long, with that many governors. What I can tell you is that she was known for wonderful pancake breakfasts in the Blaine House and around Litchfield for her baked beans. She skated on the grounds of the Blaine House with the Reed children and, also, took them to Lost Valley for ski lessons, where, while in her fifties, she also learned to ski. Just this month, Governor Reed sent her a personal congratulatory note upon reading in the newspaper about her being honored with the Litchfield Cane.

I met Louise last summer, enjoying at least a half hour sitting on her porch, after being told because she is rather mature that she may not be interested in chatting, and there we sat and she told stories for a good amount of time. It was a most enjoyable afternoon, and I am pleased that Mrs. Gamage and her family and friends, were able to join us here this afternoon. Thank you.

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

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

An Act To Amend the Maine Certificate of Need Act of 2002
(H.P. 1229) (L.D. 1763)
(C. "A" H-569)

Which was **TABLED** by Representative PINGREE of North Haven pending **PASSAGE TO BE ENACTED**. (Roll Call Ordered)

The SPEAKER: A roll call having been previously 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. 158

YEA - Adams, Babbidge, Barstow, Beaudette, Beaudoin, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Clark, Cleary, Connor, Conover, Craven, Crockett, Crosthwaite, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Edgecomb, Emery, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Giles, Gould, Grose, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Hotham, Jackson, Jones, Kaenrath, Koffman, Lundeen, MacDonald, Marean, Marley, Mazurek, McFadden, Miller, Millett, Mills, Miramant, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Pieh, Pilon, Pingree, Pinkham, Piotti, Pratt, Prescott, Priest, Rand, Rector, Rines, Rosen, Samson, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Treat, Trinward, Tuttle, Valentino, Wagner, Walcott, Watson, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Beaulieu, Berube, Cebra, Chase, Cotta, Cray, Curtis, Duprey, Gifford, Hamper, Jacobsen, Joy, Knight, Lansley, Lewin, McDonough, McKane, McLeod, Muse, Plummer, Richardson D, Richardson W, Robinson, Strang Burgess, Thomas, Tibbetts, Vaughan, Walker, Weaver.

ABSENT - Cressey, Greeley, Makas, Moore, Perry, Pineau, Richardson E.

Yes, 112; No, 32; Absent, 7; Excused, 0.

112 having voted in the affirmative and 32 voted in the negative, with 7 being absent, and accordingly the Bill was **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 Require Notification before Withdrawal of Land from Classification under the Maine Tree Growth Tax Law for Failure To File Certain Statements

(H.P. 557) (L.D. 736)
(C. "A" H-577)

Which was **TABLED** by Representative TUTTLE of Sanford pending **PASSAGE TO BE ENACTED**.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 138 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.

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

SENATE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (S-175)** - Minority (4) **Ought Not to Pass** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Relating to the Wells-Ogunquit Community School District"

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

Which was **TABLED** by Representative PINGREE of North Haven pending the motion of Representative NORTON of Bangor to **ACCEPT** the Minority **Ought Not to Pass** Report. (Roll Call Ordered)

Subsequently, Representative TARDY of Newport **WITHDREW** his **REQUEST** for a roll call.

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

On further motion of the same Representative the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-175)** 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-175)** in concurrence.

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

HOUSE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (S-321)** - Minority (3) **Ought Not to Pass** - Committee on **TAXATION** on Bill "An Act To Eliminate the Property Tax on Business Equipment Owned by Small Retailers"

(S.P. 318) (L.D. 1001)

Which was **TABLED** by Representative PIOTTI of Unity pending **ACCEPTANCE** of either Report.

Representative PIOTTI of Unity moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

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

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

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

ROLL CALL NO. 159

YEA - Adams, Barstow, Beaudoin, Berry, Blanchette, Bliss, Boland, Brautigam, Bryant, Cain, Canavan, Cleary, Craven, Eberle, Faircloth, Farrington, Fisher, Gerzofsky, Haskell, Hinck, Kaenrath, Koffman, Marley, Miller, Miramant, Norton, Patrick, Percy, Pingree, Piotti, Pratt, Priest, Rand, Rines, Treat, Wagner, Walcott, Watson, Webster, Weddell, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Babbidge, Beaudette, Beaulieu, Berube, Blanchard, Browne W, Burns, Campbell, Carter, Casavant, Cebra, Chase, Clark, Connor, Conover, Cotta, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Duprey, Eaton, Edgecomb, Emery, Finch, Finley, Fischer, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Grose, Hamper, Hanley S, Harlow, Hayes, Hill, Hogan, Hotham, Jackson, Jacobsen, Jones, Joy, Knight, Lansley, Lewin, Lundeen, MacDonald, Marean, Mazurek, McDonough, McFadden, McKane, McLeod, Millett, Mills, Muse, Nass, Pendleton, Peoples, Pieh, Pilon, Pinkham, Plummer,

Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Samson, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Trinward, Tuttle, Valentino, Vaughan, Walker, Weaver, Wheeler, Woodbury.

ABSENT - Cressey, Dunn, Greeley, Makas, Moore, Perry, Pineau, Richardson E, Sykes.

Yes, 41; No, 101; Absent, 9; Excused, 0.

41 having voted in the affirmative and 101 voted in the negative, with 9 being absent, and accordingly the Minority **Ought Not to Pass** Report was **NOT ACCEPTED**.

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

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

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

ROLL CALL NO. 160

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

NAY - Adams, Bryant, Hinck, Marley, Rand, Walcott, Webster.

ABSENT - Cressey, Greeley, Makas, Moore, Perry, Pineau, Richardson E, Rines.

Yes, 136; No, 7; Absent, 8; Excused, 0.

136 having voted in the affirmative and 7 voted in the negative, with 8 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-321)** 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-321)** in 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 (8) **Ought to Pass as Amended by Committee Amendment "A" (S-246)** - Minority (5)

Ought Not to Pass - Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Govern Publicly Funded Advertising during Campaigns"

(S.P. 630) (L.D. 1779)

Which was **TABLED** by Representative PATRICK of Rumford pending **ACCEPTANCE** of either Report.

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

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

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

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

ROLL CALL NO. 161

YEA - Adams, Annis, Babbidge, Barstow, Beaudette, Beaudoin, Berry, Blanchard, Blanchette, Bliss, Brautigam, Bryant, Burns, Cain, Canavan, Carter, Casavant, Clark, Cleary, Connor, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Grose, Hanley S, Harlow, Haskell, Hayes, Hill, Hogan, Jackson, Jones, Kaenrath, Koffman, Lundeen, MacDonald, Marley, Mazurek, Mills, Miramant, Norton, Patrick, Pendleton, Peoples, Percy, Pieh, Pilon, Pingree, Piotti, Pratt, Priest, Rand, Rines, Samson, Schatz, Silsby, Simpson, Sirois, Smith N, Sutherland, Theriault, Treat, Tuttle, Valentino, Wagner, Walcott, Watson, Webster, Wheeler, Mr. Speaker.

NAY - Austin, Ayotte, Beaulieu, Berube, Boland, Browne W, Campbell, Cebra, Chase, Conover, Cotta, Cray, Crosthwaite, Curtis, Duprey, Edgecomb, Emery, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Hamper, Hinck, Hotham, Jacobsen, Joy, Knight, Lansley, Lewin, Marean, McDonough, McFadden, McKane, McLeod, Miller, Millett, Muse, Nass, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Savage, Saviello, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Trinward, Vaughan, Walker, Weaver, Weddell, Woodbury.

ABSENT - Cressey, Greeley, Makas, Moore, Perry, Pineau, Richardson E.

Yes, 81; No, 63; Absent, 7; Excused, 0.

81 having voted in the affirmative and 63 voted in the negative, with 7 being absent, and accordingly the Minority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

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

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-601)** - Committee on **JUDICIARY** on Bill "An Act To Provide Adult Adoptees Access to Their Original Birth Certificates"

(H.P. 802) (L.D. 1084)

Which was **TABLED** by Representative SIMPSON of Auburn pending her motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative FARRINGTON of Gorham **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: The Chair recognizes the Representative from Cape Elizabeth, Representative Dill.

Representative **DILL**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would like to speak briefly in opposition to the pending motion. I think anyone who looks at the bill will note that the sponsors include both Democrats and Republicans; this is not a partisan issue. The issue is really about whether you believe adults, who are adopted as children, have the right to obtain their birth certificate, like the rest of Maine citizens.

Currently, the law states that Probate Court Records relating to adoption are confidential; however, the law also states that if a judge of a probate court determines that examination of the records or release of the records are proper, then these records can be released. As you all know there are 16 counties, with 16 probate judges, who make decisions everyday regarding this important issue, and there are no guidelines to tell us what is proper and what is not proper; therefore, some records are released, others are not released.

I believe that the law, as it currently stands, is arbitrary, and the bill that is before you would allow adult adoptees to have access to their birth certificates. You will hear that the release of these birth certificates is not proper because there may be a right to privacy of the birth parents. You will also hear that the release of the birth certificates is not proper because the state made a promise to the birth parents, at the time adoption, that these records would be forever sealed. I would like to just comment briefly and respond to both of those arguments.

The first is this so-called right to privacy. As all of you know, the right to privacy is not found in statute; it is a right that arises from our Constitution and expounded upon by our courts. There is not one case that gives a birth parent the right to privacy, with respect to a birth certificate. There is also no statutory right, other than the one that I just described, which said they are confidential unless a probate court decides it is proper to make them not confidential.

With regard to the second argument that you might be there, with respect to the promise that was made, I would simply state that at no time should anyone have promised that these records would be forever sealed because that is not what the law said; the promise should have been that the records might be sealed, but they might not be.

Because I feel, strongly, that adult adoptive children should have equal rights to access to their birth certificates, I am not in favor of the pending motion. Thank you, Mr. Speaker.

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

Representative **CASAVANT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. A lot of the testimony that we heard over the last few months in Judiciary and, I suspect, even inside the Chambers, has been the idea of closure. I read in the paper a number of years ago; in fact, Representative Harlow talked about a friend of his in Vietnam who was just recently discovered, his remains I should say, was recently discovered, and the family talked of closure. When I heard the evidence regarding adoptions that issue came to the forefront again, where we have individuals who wanted to know who they really were—were they Irish, French Canadian, who might their relatives be—just a genuine sense of self. Yes, they indicated that they still loved their stepparents, but there was something missing and they were seeking for something more and that of course is their sense of identity, their sense of blood, sense of family.

Most, if not all of the evidence I heard, convinced me that the law has to change; that there is no longer a stigma as there was in the 1950's and 60's for having a child out of wedlock; that individual children, now adults, deserve a right to know who their parents are. When I look back, it seems that when we had these decisions made, no one ever considered that children would grow up one day and want to know who they were. This is a time where we can correct that particular loss.

Lastly, when people debate this issue, and I have to tell you even though earlier today you voted on a study, do not think that this issue is going to be resolved in a matter of days or hours or weeks; this has been ongoing for a long time. Obviously, there is a risk in voting for this or voting against the majority vote. But there is a risk, also, if you do not vote for it. There is no single right answer. All I can say is this: A lot of the evidence that people present, in terms of what can go wrong, is speculative; it is a "what if" situation, this might happen or this might happen; but we do not know, do we? We do not know.

In other states, like New Hampshire, yes there have been occasions where things have not exactly ended happily, but there have been no significant problems, and I hope that the State of Maine, too, can join that movement to open up these birth records to individuals who really want to know just who they are. Thank you.

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. I am speaking in opposition to the pending motion. Some judges keep the records sealed and others can open them; I feel all judges should abide by the same law. No judge should be allowed to do what they want when it comes to unsealing records. Children should be able to know their health issues of the parents, as some are hereditary. This is not right to keep them in the dark. Please vote against the pending motion. Thank you, Mr. Speaker.

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. As you may have noticed, my name is on the Minority Report, and I urge you to vote against the Majority Report. I ask you this because I have seen children, Native children, who are adopted not knowing who they were and not really knowing their culture, and it is a horrible thing to grow up and not have an identity or not have a heritage, you lose something there; you lose your soul there. There are adults, when people become adults, they certainly should be trusted to know who they are, and who their birth parents are, and I urge you to vote against this Majority Ought to Pass motion. Thank you.

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

Representative **KNIGHT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I, also, rise in opposition to the pending motion. It is a very emotional issue, this business of adoption and hiding records. But think about it: Is that not what life is all about, a series of ebbs and flows, emotions?

I am not a woman, so I cannot speak from the position of motherhood, obviously, but I would dare suggest that a great majority, well over 90 percent of all mothers, would like that contact with their child. But this bill does not provide for that. That is one of the options that is available. This does not force the connection, but it does give the person that has been adopted the right to their certificate, the ability to learn of their ancestry, the medical records. Genetics is extremely important as we age,

we know that, whether or not one has had cancer in the family, or Hodgkin's, or diabetes, it is extraordinarily important for the adoptee to have those rights. I urge you to vote against the prevailing motion.

Let me tell you one quick story before I sit down: My brother-in-law, age 62, adopted boy, just this past year, met his birth mother on the far side of this continent, in California, an extraordinary experience. After 62 years, the people who raised him were, obviously, his mom and dad, but he finally met his biological mother and as a result, met his biological siblings; a tremendous, tremendous positive experience. The contact has continued; the folks have traversed back and forth across the country meeting each other on a regular basis; I think that is more likely the case than the other, so I urge you to vote against the prevailing motion. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Prescott.

Representative **PRESCOTT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I, too, rise in opposition to the Majority Ought Not to Pass Report for the simple reason of health prevention.

My nephew was diagnosed with diabetes at the age of 15 months. Now this is someone who knew his family history, well not him, himself, obviously, at that time, but his mom and dad. He had a mother on one side with diabetes; he had an aunt with diabetes and his cousin; on the other side, his great-grandfather. We almost lost him. Had he been an adopted child, they may not have known the information that they would have needed to save his life. I ask you to think about those kinds of things because prevention is key and knowing what is there and what your family has in their background and in their genetics can be a matter of life or death. Thank you.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Mazurek.

Representative **MAZUREK**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just to comment on a couple of things that I heard: I believe a piece of paper, a birth certificate, does not make a person; it is the love and the upbringing that he or she gets from the family that adopted him or her, makes that person. Yes, there is a medical issue and I think that is important, but that is probably the most important thing. A child who is brought up in a loving home with adopted parents are his real parents; believe me, they are his real parents and a piece of paper does not mean anything. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Eliot, Representative Lewin.

Representative **LEWIN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have really thought a lot about this issue, since it was brought before us a year ago, and had not intended to speak about it, but I have two person stories to tell you: I have a brother who is married. He and his wife were told that they would never have children beyond the first that they had, and they were very fortunate in that a partner in a law firm brought an opportunity to privately adopt a child. They went to the hospital and waited for her to be born, some states away, and took her home. She has been a much more than valued member of our family for over 35 years. This kid gave up a great job to go to work for the Rocky Mountain Parkinson's Institute, because her father has Parkinson's and is suffering very severely with that. She gave up her job to do that because my brother, Jim, was that important to her. She is as much family to him as if she were blood, and as she is to all of our family. We have always been grateful for the opportunity to have her. She has never, never had the desire to know who her parents were, her birth parents, because my

brother and his wife are her parents in her view. She has absolutely no desire to know, and she has known from the time that she was a very little girl that she was adopted, that she was chosen, and that we all love her very much.

On the other hand, I have a very dear friend, who is very important to me, that I knew first as a single individual and I used to say all the time to this person, "You know, you really ought to have an interest in finding out who the bio folks are, because someday you will marry and have children, and you should know what you come from, so you know where your children will be coming from," and he had absolutely no interest in that. "My parents are my parents, they chose me, and it would be disloyal of me to go and find my bio parents." Well, an opportunity came when his birth mother was looking for him, and was very unaware of the fact that she was dying of a brain tumor. The opportunity presented itself, and after considerable thought, he went to meet his mother, and is very grateful now, as a father of a 17 month old and a new baby coming next week, that he got to meet his mother and that he had the opportunity to find out the family health history on both sides. I remember arguing with him and he would go weeks not talking to me because I was such a pain in the neck. I would say, "That lady loved you enough to carry you and I think she would care enough about you to tell you the family history, and you should be responsible enough, as a person who will marry and have children, to do something about it." I will be forever grateful that he had that opportunity, and I know he is grateful he had that opportunity, and I know his daughter is going to be grateful someday that he had that opportunity.

Having thought a great deal about this and very much understanding it is very painful if you are on the other side, I think, and you gave up someone, I suspect that giving up is something that you never, ever forget, and I suspect you do not ever get over it. I think there is an opt out opportunity that is some degree of protection there, for those people who are promised that they would be protected and nothing would ever be revealed, it is very unfortunate that is was that span of years when that happened. But I think it is time now for commonsense to prevail here, and give those who feel it is so important to them, and believe you me, I am not foolish enough to stand here and tell you that I think that just because somebody has the paper, they should feel comfortable or should not feel comfortable. You cannot dictate what is in someone else's heart, anymore than you can dictate what is in their head.

I think these young people, or older people now, many of them want to know who their parents were, should have the opportunity to at least try to find them; and if in point and fact someone does not want to be contacted, there is that opt out opportunity there. Understanding both sides of the argument and being sympathetic to both, I still believe very strongly that we need to support this measure. Thank you.

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

Representative **MILLS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise to speak in favor of the Majority Ought Not to Pass Report, and I rise to speak on behalf of the silent people who are unable to testify in our committee, the people who are not able to be here today and do not have their voices heard unless we speak for them.

We are talking in this bill about women who gave birth, primarily in the 50's and the 60's, women who gave birth at a time when there really was no birth control; there was no right to choose abortion. Women were sexually assaulted, as they are today, but they had no options before them. Maybe they were young and I say women, I include girls as young as 13 and 14 who were victims of sexual assault, who had no choice, but to

carry the baby to term and give birth. I am talking about housewives in their 30's and 40's. I am talking about single women who carried a degree of shame back then that we do not carry today when such things happen; women who slipped away quietly for months at a time and gave birth in a quiet convent somewhere or some other place out-of-state, to bear the child; women who consciously and deliberately gave up the child for adoption, with a promise and solemn commitment that their identities would never be known. We are talking about their rights in the context of this legislation too; we are talking about their right of privacy, whether it is a constitutional right or simply a commonsense, societal right of privacy that we accorded those women, because they had no rights and no choices back then. We have an opportunity to continue to accord them those rights now. This bill does not do that.

This bill, unfortunately, has no opt out opportunity, as was referenced before. This bill, in my view, is a one-way street. The bill says upon receipt of the written application and proof of identification etcetera, the state registrar shall issue a non-certified copy of the unaltered, original certificate of birth to the applicant; thereby, providing to the adult adoptee, whether that adult adoptee is 18 or 80, whether they are emotionally stable or unstable, no matter what condition they are in, they are provided with the information regarding their birth or biological parents, information that the biological parent is given no right to intercede or intercept before it gets to the adult adoptee who was given up for adoption on this premise and with this promise.

The bill is one-sided. The bill does not speak to medical information, nor can it truthfully, accurately, without a much more in-depth analysis of the implications of HIPAA and state medical privacy laws. The bill does not institute a counseling protocol for all parties, including the adoptive parents and the birth parents, if they are found, and the adoptive individual. It does not bring them together in a neutral setting. It simply provides one-way access to one individual, one party, to what is an inevitably multiparty and multifaceted and highly emotional situation.

The bill does not develop a less onerous or less intrusive method of making contact with one's birthmother or father. The bill does not resolve the issue of access to information, when one or both birth parents may be deceased, or incapacitated, or otherwise unavailable to receive contact. The bill does not coordinate the vital records laws and the probate code statutes. The bill does not promote a flexible adoption procedure, which has been suggested in other context, to allow adoption, including open adoption, in conjunction with the termination of parental rights in DHHS cases. The bill is one-sided. The bill is retroactive and that is not just some fancy legal term. This bill undermines people's reliance and people's, decades old privacy interests, accorded to them by society and process for 50 years and more. It is retroactive.

This, indeed, would be an entirely different bill and probably achieve a great deal of support in many areas if it was prospective only, but it is not. I encourage you to take a thoughtful look at this bill before voting on the pending motion. It is only four pages long, one simple amendment. But ask yourself: Does this balance the needs and interests of all parties involved in the situation, or does it simply accommodate the interests of one party in the adoption context? I suggest that the committee, the majority of the committee, and I myself, personally, would urge you to vote Ought Not to Pass on this bill. It is the wrong thing at this time until much greater analysis, much more in-depth discussion takes place through an adequate and thorough study of these laws that have not been updated for nearly 20 years. Thank you.

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

Representative **JOY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I think, probably, that I can speak from much experience on this particular issue. I have heard the complaint for 46 years and when I got married, I got married and had three children all in the same day, and I did not ask to adopt them and they did not ask to be adopted, because I did not feel that it was right for me to take away their birthright. They knew who their father was, he died very young; and fortunately, today, they are my children just as much as if they were my bloodline, so I think that this is a very important thing.

My wife was six years old when she was adopted, even though the family that brought her up and adopted her, took her very shortly after her mother died, just after she was born. Even today, she still cannot get that original birth certificate. She has tried many times, and as I said, I have heard this complaint. She does know her birth parents, she does know her brothers and sisters, and had she been a little more attentive to that fact, she would have realized that she should have taken precautions to prevent diabetes, which is apparently a problem that exists in that line. If it were for no other reason than the health line and the problems that we could avoid, and today, all of the emphasis in our healthcare is preventive medicine, but if we do not know what it is we have to watch out for, then we certainly cannot prevent what might happen down the line.

This is a very emotional subject; I am well aware of that, and I also realize that it is a very difficult one to make a decision on. But I think that many people have had their birthrights stolen away from them, by what may have appeared to be a good law at the time, but which should be turned around today. I ask that you defeat the pending motion and the amendment that I cannot talk about does indicate a clause, which said, "I would prefer not to be contacted" and "Do not contact me," so I am glad I cannot talk about that, Mr. Speaker.

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

Representative **SIMPSON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I find this bill to be very difficult, because the way I sort of look at the issue is it is about trying to balance the rights of different individuals, the interests of adult adoptees, to get that piece of paper that gives them the information they need in order to search for their biological mother.

We keep hearing a lot about medical information in this debate and the only way medical information comes to pass, if you either find the biological mother and she willingly gives it to you, or if a biological parents wants to fill out a contact preference form, then they shall fill out a medical history form, it demands that of them. So you have to fill out your medical history and you can say that you do not want to be contacted, but there is nothing in the bill preventing someone from contacting you if they want to. Perhaps that medical information and the information on the birth certificate is not enough; they will still contact you anyway.

There are six states that have open records, such as this bill envisions, but there are many other states that have sort of looked at a balancing test and instead of just giving that information over, they created a system either with a birth parent disclosure veto, so the birth parent can contact the state and say, "I do not want my information given out"; or some other states have birth parents consent forms, so they consent to having that information released.

I think the Representative from Farmington made a good point: We are talking about things in a past that most of us or at least me, I learned about it from history and reading, about the

way things were in the 1950's and the 1960's. My father was adopted and I have talked a lot to him about this bill because it troubles me. What is it like to be a woman in her 60's, who surrendered her child for adoption, who was told that the record would be sealed and could not be opened without a court order? What is it like for her in 2007, if she chose not to tell anyone in her family, what is it like for her sitting at home worrying and wondering? I said it is hard for me, because I cannot imagine what it is like to be unintentionally pregnant in the 1950's. He told me a really interesting story about when he was in at school in Massachusetts: One of his classmates was pregnant and the administration decided she had to go; you could not have a pregnant student as part of the student body. He and some others organized and were trying to get the administration to change their mind, but the student said, "No, they are going to let me finish out the term, and I am going to go." She was married; this was a married woman. We really cannot, today, imagine what those choices were like for women in a very different time.

I am just going to read a little testimony from the public hearing, not from someone who testified in person, because she felt she could not:

"I am opposed to adoptees having access to their original birth certificates without a court order. I am one of the many women in the state who wish to remain anonymous, and therefore, cannot stand before you to plead our case. I should first say that this issue directly affects me. Still feeling shamed plays very well in the press, but most of us got over that a long time ago.

In the 1960's, shame was not my biggest problem. Allegations that the Catholic Church opposes this because they are still living in a bygone era, is nonsense. In my own experience, I have known girls and women who have given up children because incest and rape were involved. Adoption agencies are trying to protect the women they helped, who came from all walks of life and for many different reasons.

I want access to be denied to the actual birth certificate, because I was told in a judge's chamber by a Maine judge that these records would be sealed and only someone with a court order can have them opened. Accordingly, I have made a decision through the years and felt safe in doing so. Am I about to be betrayed?

I can understand the need to medical information, but I feel this is a smokescreen for the real issues: Adoptees want access to names; they want the names on a birth certificate, to find people who may not want to be found. Does anyone think that a note "Do not want to be contacted," would stop them from doing it? I have been told the law in New Hampshire has caused no one to be harassed or contacted that did not want to be. Let's be realistic: How would anyone know that? If I got a call, what would I do, call the police?

For all the women out there who do not have a voice, please consider the things that can happen: They may not want contact with this adult child; they may have not told their other children, their husband; or because of circumstances, merely thinking about this time in their lives caused distress and fear.

Proponents of the bill say that promises to mothers were not legal. I may have been young, but the process felt legal, when I was signing documents with my lawyer in front of a judge. I deserve the protection the law afforded me at that time today. I deserve the privacy I was promised. There may be few women who can come before you to ask that you protect them, this does not mean that they are not out there praying for you to do the right thing. Please consider how this will affect women, who for the past 50 years, have been told the same thing by a judge that I was told, and started their life fresh again with the confidence that

they had done the best for their child, and were afforded legal protection and privacy."

I would support a bill that is not before us that would honor both sides, that would have parents and adoptees, which of course, we already have a mutual consent registry, but to take away that woman's privacy and the life she has built seems grossly unfair, coming from a culture that would not even allow her to even consider that she could raise her child on her own. I am a single parent, I know how hard that is, but I cannot imagine how much harder it would have been, in a time when women really had no choices. Thank you.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Savage.

Representative **SAVAGE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I understand this is a very charged issue and there are probably a lot of stories out there, so I am going to keep mine very short. My mother was adopted here in Maine, she was one of nine children and she was born into a very poor family and they could not afford to keep her, so they had to give her up for adoption. She went her whole life and she never did meet any of her brothers or sisters, mother, father, uncles, aunts, any of that, and she died not knowing who they were, so I would definitely be in opposition to this motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from South Berwick Gould, Representative Gould.

Representative **GOULD**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I concur with my good colleague on Judiciary, Representative Mills, that it is about an issue of fairness. I hope you will indulge me if I get the dates wrong, for I do not have those memorized, but we are talking about three separate sets of people, who really are not that distinct. We are talking about people who were adopted December 1953 and back, and again, forgive me if the date is wrong; we are talking about a different group of people, who were adopted starting in January 1954, forward to a date; and then from that date, forward again. It is only those individuals in that middle class who are not entitled to that original birth certificate. Is that fair, if you were adopted in December 1953, the record is open to you; if you were adopted in January 1954, it is not?

I also agree with my good colleague, Representative Simpson, my House Chair, Representative Simpson, that those young or not so young women should be entitled to the protection that the law afforded them at that time. One portion of that law, at least as it existed in 1959, said that that original birth certificate, upon on the request of the adopting parents, would not be altered. The adopting parents could have said, "Give me the original birth certificate," so where was the confidentiality?

As it stands right now for that group of adoptees in the middle, you have heard that they have to go in front of a probate court judge, one of 16 different judges, who have minimal standards to guide their decision in this area. Think for a moment about what that process must be like, as that adoptee stands in front of that bench, stands in front of a judge who is no farther away than I am from Madame Clerk, if that far, with a file open on that bench with that adoptee's birth certificate, that adoptee's records open and for whatever reason that file closes. That original birth certificate, that record was no farther away than I am from Madame Clerk and it has just closed—fair? Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Dill.

Representative **DILL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just briefly, to respond to two points: There was a suggestion that the bill is one-sided and

I would counter that it is the law, as it exists today, that is one-sided. Everyone except adoptees can get their birth certificate. The bill would change that.

It was also suggested that what we are doing retroactive, but I would just remind you that from 1953 until now, there have been some lucky adoptees who have convinced a probate judge to release the birth certificates; so some people in the past have gotten their birth certificates and some have not. Thank you.

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

Representative **KNIGHT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise one more time, very briefly, to counter my esteemed colleague, good friend and neighbor, Representative Mills of Farmington. I thought she did an excellent job in presenting the legal case, but no fairness, a couple of times she made reference to the fact that it was one-sided. Reading from the bill, Section 5, relative to contact preference, it states in the bill the state registrar shall develop a contact preference form on which a birth parent may state a preference regarding contact by an adoptee. The form must contain the following statements from which the birth parent may choose only one.

- A. "I would like to be contacted. I have completed this contact preference form and a medical history form and am filing them with the State Registrar of Vital Statistics."
- B. "I would prefer to be contacted only through an intermediary. I have completed this contact preference form and a medical history form and am filing them with the State Registrar of Vital Statistics."
- C. "I would prefer not to be contacted. I may change this preference by filling out another contact preference form. I have completed this contact preference form and a medical history form and am filing them with the State Registrar of Vital Statistics."

Further, an item which Representative Joy spoke of, which I cannot speak of, there is a stronger statement that could be made available in this bill, should an amendment come forth, which I cannot discuss. But I do believe that discounts Representative Mills' comment that it is one-sided, it sounds very two-sided to me. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Buckfield, Representative Hayes.

Representative **HAYES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I was very moved by the testimony read by our colleague, Representative Simpson, but I would add this: This bill provides an opportunity for that birth mother to make her wishes known, where that opportunity does not exist at the present time. I would ask that you vote red on the current motion and we can then take up the other report.

The **SPEAKER**: The Chair recognizes the Representative from Lisbon, Representative Berube.

Representative **BERUBE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The Legislature often makes for strange bedfellows. Because of this, we are looking at a very emotional issue, as well as one of specific provisions of the law. I ask that you look at the supplement, the specific supplement, and you will see that there are members of both parties that are supporting the current motion. The Majority Report is supported by members of both parties, based on hearings and much discussion. The right thing to do is to vote to support the motion. Thank you very much.

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

Representative **MILLS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just to set the record straight, the contact preference form, identified and described in the bill, is an optional procedure, it is a nicety, but one with no legal significance and no binding effect. The birth parent may say, "I would rather not be contacted" and the very next day the birth parent could find someone on their doorstep, knocking on their door, saying, "Hi, I am your biological son or daughter." There is nothing to legally prevent that from happening.

In this day and age, with access to the internet, "googling" and "dogpiling" and all those kinds of things, when one receives a name on a birth certificate, or two names on a birth certificate, one does receive access. No matter what, a search will occur, and that is the experience of the few other states that have adopted, so to speak, this statutory provision. They have found that in most cases, no matter what the preference is, the adult adopted child does seek out the biological parent, regardless of the preferences. This provision is a nice thing, but it is not legally binding. I do believe that this is a one-way bill and I stick to my position on that.

With respect to medical records, would that there were more detail about what kinds of medical records could be made available, in this day and age, one does not know one's medical history at the moment of giving birth to a child. One may know some things later on about one's own family that one might want to pass on to an adopted child. This bill does not provide for that kind of ongoing, updated information, the kind of information that could be provided by a more thorough analysis and a more thorough bill.

It has been said that there were arbitrary lines drawn in 1953, later in 1989. Yes we have changed the law, after many decades we have changed the law, only after a very comprehensive study was accomplished with all interested parties coming to the table, nearly 20 years ago. Is there an arbitrary line drawn in December 1953? Yes, I say there is. I also say that the people who gave up their children based on the reliance, based on the expectations that they were encouraged to have, they have rights; whether the law change was arbitrary or not, their rights, to me, are socially, morally, legally vested.

The **SPEAKER**: The Chair recognizes the Representative from Waterville, Representative Canavan.

Representative **CANAVAN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I do not think anyone could state with more eloquence than the good Representatives from Farmington and Auburn, the compelling case for those women, who so long ago went through the wrenching experience of giving up a child to adoption, who were promised confidentiality and who trusted and believed that that model contract would be honored. These were indeed model contracts and they should indeed be honored, so I will not say more, except to say I will be joining my colleagues from Farmington and Auburn in voting for the Majority Ought Not to Pass Report.

The **SPEAKER**: The Chair recognizes the Representative from Gorham, Representative Farrington.

Representative **FARRINGTON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I am proud to be the sponsor of LD 1084 and I, too, rise in opposition to the pending motion.

As you have heard, in the 1950's, Maine lawmakers along with lawmakers across the country, believing that they were acting in the best interests of adopted children, decided that upon adoption, the child's original birth certificate should be sealed to protect that child from information that they may not know how to handle. That may be an appropriate action when dealing with

children. But children, including adopted children, grow up. Unfortunately, however, Maine law treats adult adoptees as perpetual children and presumes that they cannot handle or be trusted with information about their own origins. Adult adoptees, unlike those of us who were not adopted, must currently prove themselves worthy of the right to see the very document that records their own birth. LD 1084 very simply seeks to treat adults as adults, adult adoptees as responsible adults, not as perpetual children.

Some of my good colleagues have risen and raised objections to this bill, based on fears and concerns about what might happen as a result of passage. Ladies and Gentlemen of the House, I assure you that every one of the scenarios that have been laid out, every one of the knock-on-the-door scenarios could happen today with or without passage of LD 1084. The state has never been able to promise perpetual anonymity to a birth parent. If that were the case, if we could actually make that a perpetual, a guarantee, then it would be illegal for an adoptee to initiate a search of any kind. Of course, there is nothing illegal, there is nothing unethical; there is nothing unhealthy about an adoptee seeking out information about their origins. Some in this body speak about that as if there is something wrong with an adoptee trying to seek out that information. There is nothing wrong with that. That is an individual decision that some adoptees will act upon and some will never feel any compulsion to act upon; individual decision.

So the notion that there is some sort of wall of protection, as guarantee of anonymity, is simply not the case. We cannot possibly try to provide that kind of guarantee. Even the birth certificate itself, as has been pointed out by a number of Representatives, even the birth certificate is not guaranteed to be confidential. Upon an adoption, adoptive parents have had the ability to choose to retain the original birth certificate and not have a new birth certificate issued; and of course, upon petition to the probate court, probate judges do have the discretion to release that certificate.

Every one of the concerns that have been raised in this body, I am sure, were raised in the Legislatures of those states that have restored to adoptees the right to obtain their birth certificate, states like Alabama, Oregon and most recently, New Hampshire. These states have chosen to restore to adult adoptees their rights and the results from those changes have been overwhelmingly positive. Birth parents who file a contact preference form in those states, a very strong majority indicate openness to contact, but of those who indicate that they do not want to be contacted; there have been no breaches of this request. LD 1084 is modeled on New Hampshire's very successful law.

I ask you, Ladies and Gentlemen of the House, to weigh not only whatever concerns you might have about lives that could potentially be disrupted, but also to weigh the positive changes that LD 1084 could lead to, the lives that might literally be saved if the obtaining of a birth certificate leads to the obtaining of family medical history; the many, many lives that could be healed or made whole by knowing the full story that they have always felt a need to know; and no, not every adoptee or every birth parents is going to find a fairytale ending, that is not the way it happens now and it is not the way it would happen with this bill. But it is not our job to try to orchestrate fairytale endings and it is not the goal of the bill. The bill simply seeks to provide equal treatment to Maine's adult adoptees and restore, to all Maine citizens, the right to access their own birth certificates, so I urge you to vote against the pending motion. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Winterport, Representative Thibodeau.

Representative **THIBODEAU**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I want to tell you about two very special people, I want to tell you about Barbara and Ed Ford. Barbara is the recipient of the North American Council on Adoptable Children award. This is a national award that is given to adoption activists. Barbara and Ed have adopted five children here in the State of Maine. The youngest is now four; the oldest is 20. Tommy is now serving in the US Navy on the USS Stennis in the Persian Gulf. I am personally very proud of Barbara and Ed, because you see, Barbara is my sister.

I would ask each of you to consider very carefully how this bill would affect the spirit of adoption. When a young mom makes this very hard decision, they do so with an understanding that is closes that chapter in their lives; this bill changes that promise. There is already a registry in place that allows the two parties to be put together, if both parties sign up. While I understand that some might want this ability to know their birth parent, I believe this bill will cause children to be brought up in some very difficult situations, and I think that is something that we need to consider. Does this build or help the spirit of adoption in this state, or is this a detraction from it? If this is a detraction from it, then we really ought to consider carefully. Thank you, Mr. Speaker.

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

Representative **BRYANT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is an emotional issue, it is a real issue, and it is an important issue. In our Judiciary Committee, we dealt with this for the last three years, heard numerous testimonies, but I want to rise in support of the motion Ought Not to Pass. Having been on the Committee for three years, listening to the testimony, I feel it does not leave any options in the middle for those of a long time ago, and those commitments were also for parents who gave up a child for rape or incest. Those are emotional issues. I ask you to follow the Majority Report, Ought Not to Pass. Thank you, Men and Women of the House.

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

Representative **PERCY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The pending motion of Ought Not to Pass does no disrespect to the adoptive person. Ought Not to Pass, this motion is respecting the women who made that decision.

One of the concerns I have regarding this legislation is that a fact in Maine right now, currently, on an average, 50 percent of the homicides in this state are due to domestic violence. I, personally, have such great fear about what will happen to the people who could not come before the Committee and talk about their personal experience, and what will happen to their lives if someone comes in and completely turns it upside down.

The SPEAKER: The Chair recognizes the Representative from Blue Hill, Representative Schatz.

Representative **SCHATZ**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise, also, in opposition to the current motion. I think the wisdom put forth by those opposing the current motion, stands high in the scrutiny that we need to apply to our job. We are in the business, if you will, of modifying and changing legislation to make it more current and appropriate for the population we serve, and indeed, that is what is happening here. I know it is difficult. Those changes are in front of us all of the time and in this case, I think we need to honor the information that is most current and seems to describe the dilemmas of our constituents as they exist today, so I would vote red on this motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Edgecomb.

Representative **EDGECOMB**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The parent has had a voice in this decision; now it is time to give the child a voice. Thank you.

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

Representative **JACOBSEN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is, for many of us, a very difficult vote. I, in fact, had left the room and was not going to vote on it. It would be easier to say I was not here; it would be easier to say that to my adopted daughter, "No, I did not vote on that. What do you think I should have voted on?"

It is difficult for me because, since I was 18 years old, I have basically worked and employed young people. I have seen the heartbreak of children that have found parents that did not want them. I have seen the heartbreak of children whose parents were divorced and remarried and not wanted by either both parents or one of the parents, the foster parent.

If you are adopted, for the most part, you are a wanted child. How many children that come into the world today, when you look around, can really say "my parents wanted me?" Most of us, as parents, would say that you are wanted, but in my experience of working in some of the cities, in two states, I have seen numerous children that are not wanted. The no sacrifice on the part of the parents was ever given to them for their benefit. But I have seen many adoptive parents spend thousands of dollars to adopt a child, to cry when an adoption did not go through, to have rooms that were ready for a child; not waiting for a birth date, but waiting for that special call from the court that there was a child born. I have seen the parents, all the young ladies that have given up children. I have seen them cry and tell me "I held them one time and I know I will not see him again, but I know I am doing the right thing."

I do not know how everyone is going to vote here, I do not know how anybody is going to vote. But I know each one of you will believe that you are doing the right thing, and you probably are, but my experience in seeing both the joy and heartbreak, I am going to vote with the majority on this, Ought Not to Pass. Thank you.

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. 162

YEA - Adams, Babbidge, Beaudette, Berube, Blanchette, Bryant, Canavan, Cleary, Connor, Craven, Cray, Curtis, Duprey, Eberle, Fischer, Gerzofsky, Hanley S, Hill, Jacobsen, Koffman, Lansley, Marley, Mazurek, Mills, Patrick, Percy, Pieh, Pilon, Pratt, Richardson D, Silsby, Simpson, Smith N, Tardy, Thibodeau, Thomas, Valentino, Watson, Webster.

NAY - Annis, Austin, Ayotte, Barstow, Beaudoin, Beaulieu, Berry, Blanchard, Bliss, Boland, Brautigam, Browne W, Burns, Cain, Campbell, Carter, Casavant, Cebra, Chase, Clark, Conover, Cotta, Crockett, Crosthwaite, Dill, Driscoll, Duchesne, Dunn, Eaton, Edgecomb, Emery, Faircloth, Farrington, Finch, Finley, Fisher, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Grose, Hamper, Harlow, Haskell, Hayes, Hinck, Hogan, Hotham, Jackson, Jones, Joy, Kaenrath, Knight, Lewin, Lundeen, MacDonald, Marean, McDonough, McFadden, McKane, McLeod, Miller, Millett, Miramant, Muse, Nass, Norton, Pendleton, Peoples, Pingree, Pinkham, Piotti, Plummer, Prescott, Priest, Rand, Rector, Richardson W, Rines, Robinson, Rosen, Samson,

Savage, Saviello, Schatz, Sirois, Strang Burgess, Sutherland, Sykes, Theriault, Tibbetts, Treat, Trinward, Tuttle, Wagner, Walcott, Walker, Weaver, Weddell, Wheeler, Woodbury, Mr. Speaker.

ABSENT - Cressey, Greeley, Makas, Moore, Perry, Pineau, Richardson E, Vaughan.

Yes, 39; No, 104; Absent, 8; Excused, 0.

39 having voted in the affirmative and 104 voted in the negative, with 8 being absent, and accordingly the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**.

Subsequently, on motion of Representative FARRINGTON of Gorham, the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-601)** 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-601)** and sent for concurrence.

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

**REPORTS OF COMMITTEE
Divided Report**

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-602)** on Bill "An Act To Amend the Nonresident Income Tax Filing Requirements"

(H.P. 490) (L.D. 641)

Signed:

Senators:

PERRY of Penobscot
NASS of York

Representatives:

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

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

Signed:

Senator:

STRIMLING of Cumberland

READ.

On motion of Representative PINGREE of North Haven, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-602)** 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-602) and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

**ENACTORS
Acts**

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)
(S. "A" S-296 to C. "A" S-267)

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

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

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

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

HOUSE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (S-281)** - Minority (4) **Ought Not to Pass** - Committee on **TAXATION** on Bill "An Act To Reduce the Income Tax"

(S.P. 281) (L.D. 952)

Which was **TABLED** by Representative PIOTTI of Unity pending **ACCEPTANCE** of either Report.

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

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

**SENATE PAPERS
Non-Concurrent Matter**

Bill "An Act To Support County Government"
(H.P. 894) (L.D. 1266)

Majority (11) **OUGHT NOT TO PASS** Report of the Committee on **TAXATION** **READ** and **ACCEPTED** in the House on June 13, 2007.

Came from the Senate with the Minority (2) **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-557)** in **NON-CONCURRENCE.**

On motion of Representative BARSTOW of Gorham, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

Non-Concurrent Matter

Bill "An Act To Return a Portion of Sales, Lodging and Meals Taxes to Municipalities"
(H.P. 918) (L.D. 1300)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-576) in the House on June 13, 2007.

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

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

**REPORTS OF COMMITTEE
Ought to Pass as Amended**

Report of the Committee on **LABOR** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine To Dispose of Unfunded Liabilities in State Retiree Health Care Plans

(S.P. 534) (L.D. 1511)

Reporting **Ought to Pass as Amended by Committee Amendment "A" (S-259).**

Came from the Senate with the Report **READ** and **ACCEPTED** and the **RESOLUTION PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-259) AS AMENDED BY SENATE AMENDMENT "A" (S-311)** thereto.

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

The **RESOLUTION READ ONCE.** Committee Amendment **"A" (S-259) READ** by the Clerk. Senate Amendment **"A" (S-311) to Committee Amendment "A" (S-259) READ** by the Clerk and **ADOPTED.**

Committee Amendment **"A" (S-259) as Amended by Senate Amendment "A" (S-311)** thereto **ADOPTED.**

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

Under further suspension of the rules, the **RESOLUTION** was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-259) as Amended by Senate Amendment "A" (S-311)** thereto in concurrence. **ORDERED SENT FORTHWITH.**

Ought to Pass Pursuant to Joint Order

Representative KOFFMAN for the **Joint Standing Committee on Natural Resources** on Bill "An Act To Assist in the Cleanup of Waste Motor Oil Disposal Sites"

(H.P. 1368) (L.D. 1929)

Reporting **Ought to Pass** pursuant to Joint Order 2007, H.P. 1345.

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

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

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

**ENACTORS
Emergency Measure**

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

(H.P. 881) (L.D. 1239)

(H. "B" H-566 to C. "A" H-365)

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. 135 voted in favor of the same and 1 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Promote Forest Management Planning and Certification

(H.P. 558) (L.D. 737)
(C. "A" H-585)

An Act To Prevent Overcharging for Prescription Drug Copayments

(H.P. 607) (L.D. 807)
(H. "A" H-593 to C. "A" H-482)

An Act To Make Technical Changes to the Repeal of the Personal Property Tax on Business Equipment

(S.P. 426) (L.D. 1225)
(C. "A" S-327)

An Act To Reduce Duplication of Paperwork for Fuel Distributors

(S.P. 455) (L.D. 1307)
(C. "A" S-320)

An Act To Provide Parity in the Laws Regarding Licensing of Electricians

(H.P. 986) (L.D. 1403)

An Act To Amend the Conservation Easement Laws

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

(S. "A" S-270 and S. "B" S-305 to C. "A" H-490)

An Act To Improve MaineCare and Promote Employment

(S.P. 613) (L.D. 1746)
(C. "A" S-319)

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, Authorizing the Commissioner of Administrative and Financial Services To Sell Interest in a Certain Parcel of Land

(H.P. 1360) (L.D. 1922)
(C. "A" H-583)

Resolve, Regarding Options for Long-term Renovation and Use of the Buildings Formerly Occupied by the Augusta Mental Health Institute

(H.P. 1366) (L.D. 1927)

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 Amend the Prescription Privacy Law

(H.P. 5) (L.D. 4)
(H. "A" H-594 to C. "A" H-584)

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. 163

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, Duprey, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Gould, Grose, Hamper, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Hotham, Jackson, Jacobsen, Jones, Joy, Kaenrath, Knight, Koffman, Lansley, Lewin, Lundeen, MacDonald, Marean, Marley, Mazurek, McDonough, McFadden, McKane, McLeod, Miller, Millett, Mills, Miramant, Muse, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Pieh, Pilon, Pingree, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rand, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Walcott, Walker, Watson, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - NONE.

ABSENT - Cressey, Emery, Greeley, Makas, Moore, Perry, Pineau, Rector, Richardson E.

Yes, 142; No, 0; Absent, 9; Excused, 0.

142 having voted in the affirmative and 0 voted in the negative, with 9 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Authorize the Operation of Slot Machines on Indian Island in Old Town

(H.P. 532) (L.D. 701)
(C. "A" H-572)

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

On motion of Representative BLANCHETTE 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. 164

YEA - Annis, Austin, Ayotte, Barstow, Beaudoin, Berry, Blanchard, Browne W, Bryant, Cain, Campbell, Carter, Casavant, Cebra, Chase, Clark, Cleary, Connor, Conover, Cotta, Craven, Cray, Crockett, Crosthwaite, Driscoll, Duchesne, Duprey, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finley, Fischer, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Grose, Hamper, Harlow, Haskell, Hayes, Hill, Hinck, Jackson, Jacobsen, Jones, Joy, Knight, Koffman, Lewin, Lundeen, MacDonald, Marean, Marley, Mazurek, McDonough, McFadden, McLeod, Miller, Muse, Nass, Patrick, Pendleton, Pieh, Pingree, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Richardson W, Rines, Robinson, Rosen, Savage, Saviello, Schatz, Simpson, Sirois, Smith N, Sykes, Tardy, Theriault, Tibbetts, Treat, Trinward, Tuttle, Vaughan, Walcott, Walker, Watson, Weddell, Mr. Speaker.

NAY - Adams, Babbidge, Beaudette, Beaulieu, Blanchette, Bliss, Brautigam, Curtis, Dill, Dunn, Finch, Fisher, Gerzofsky, Hanley S, Hogan, Hotham, Kaenrath, Lansley, McKane, Millett, Mills, Miramant, Norton, Peoples, Percy, Pilon, Rand, Richardson D, Samson, Silsby, Strang Burgess, Sutherland,

Thibodeau, Thomas, Valentino, Wagner, Weaver, Webster, Wheeler, Woodbury.

ABSENT - Berube, Boland, Burns, Canavan, Cressey, Emery, Greeley, Makas, Moore, Perry, Pineau, Rector, Richardson E.

Yes, 98; No, 40; Absent, 13; Excused, 0.

98 having voted in the affirmative and 40 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 Enact the Informed Growth Act

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

(C. "A" H-355; S. "A" S-236 to H. "A" H-383)

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

On motion of Representative TARDY of Newport, 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. 165

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

NAY - Annis, Austin, Ayotte, Beaulieu, Blanchette, Browne W, Bryant, Campbell, Cebra, Chase, Cleary, Cotta, Cray, Crosthwaite, Curtis, Dill, Duprey, Edgecomb, Emery, Fitts, Fletcher, Flood, Gifford, Gould, Hamper, Hayes, Hotham, Jacobsen, Joy, Knight, Lansley, Lewin, Marean, McDonough, McFadden, McLeod, Millett, Muse, Nass, Pinkham, Plummer, Prescott, Richardson D, Robinson, Rosen, Saviello, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Vaughan, Walker, Weaver.

ABSENT - Berube, Cressey, Greeley, Makas, Miramant, Moore, Perry, Pineau, Rector, Richardson E.

Yes, 86; No, 55; Absent, 10; Excused, 0.

86 having voted in the affirmative and 55 voted in the negative, with 10 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

SENATE PAPERS

Non-Concurrent Matter

Resolve, To Study Adoption Laws and Practices (EMERGENCY)

(H.P. 307) (L.D. 391)

Majority (8) **OUGHT TO PASS AS AMENDED** Report of the Committee on **JUDICIARY READ** and **ACCEPTED** and the

Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-586)** in the House on June 18, 2007.

Came from the Senate with the Minority (5) **OUGHT NOT TO PASS** Report of the Committee on **JUDICIARY READ** and **ACCEPTED** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

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

(C. "A" H-550)

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" (H-550) AS AMENDED BY SENATE AMENDMENT "A" (S-307)** thereto 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 to Pass as Amended by Committee Amendment "A" (H-605)** on Bill "An Act To Require Insurance Coverage for Temporomandibular Joint Disorders"

(H.P. 1003) (L.D. 1429)

Signed:

Senator:

BOWMAN of York

Representatives:

BRAUTIGAM of Falmouth

CANAVAN of Waterville

CROCKETT of Augusta

VAUGHAN of Durham

TREAT of Farmingdale

RICHARDSON of Warren

SAVAGE of Falmouth

CONOVER of Oakland

PRIEST of Brunswick

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

Signed:

Senators:

SULLIVAN of York

SNOWE-MELLO of Androscoggin

Representative:

McKANE of Newcastle

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-605)** was **READ** by the Clerk.

On motion of Representative TARDY of Newport, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-605)** and later today assigned.

Divided Report

Nine Members of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-325)** on Bill "An Act To Amend Maine's Bottle Laws"

(S.P. 603) (L.D. 1696)

Signed:

Senators:

BROMLEY of Cumberland
COURTNEY of York

Representatives:

BEAULIEU of Auburn
SAMSON of Auburn
AUSTIN of Gray
MacDONALD of Boothbay
SILSBY of Augusta
SMITH of Monmouth
CLEARY of Houlton

Two Members of the same Committee report in Report "B" **Ought Not to Pass** on same Bill.

Signed:

Representatives:

PRESCOTT of Topsham
RECTOR of Thomaston

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (S-326)** on same Bill.

Signed:

Representative:

BEAUDETTE of Biddeford

Came from the Senate with Report "C" **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-326)**.

READ.

On motion of Representative SMITH of Monmouth, Report "C" **Ought to Pass as Amended by Committee Amendment "B" (S-326)** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "B" (S-326)** 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" (S-326)** in concurrence. **ORDERED SENT FORTHWITH.**

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Allow the Awarding of Prize Money from Gambling Machines Run by Nonprofit Organizations"

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

Minority (5) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LEGAL AND VETERANS AFFAIRS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-564)** in the House on June 15, 2007.

Came from the Senate with the Majority (8) **OUGHT NOT TO PASS** Report of the Committee on **LEGAL AND VETERANS AFFAIRS READ** and **ACCEPTED** in **NON-CONCURRENCE**.

Representative PATRICK of Rumford moved that the House **ADHERE**.

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

Representative TUTTLE of Sanford **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

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

ROLL CALL NO. 166

YEA - Adams, Annis, Ayotte, Babbidge, Beaudoin, Beaulieu, Berube, Blanchette, Boland, Brautigam, Canavan, Chase, Cotta, Cray, Crosthwaite, Curtis, Driscoll, Dunn, Duprey, Edgecomb, Emery, Finley, Fisher, Gerzofsky, Gifford, Giles, Gould, Grose, Hamper, Hotham, Jacobsen, Joy, Knight, Koffman, Lewin, Marean, Mazurek, McDonough, McFadden, McKane, McLeod, Millett, Mills, Miramant, Muse, Nass, Norton, Peoples, Percy, Pinkham, Prescott, Rand, Richardson D, Rosen, Savage, Saviello, Simpson, Sirois, Smith N, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Treat, Trinward, Valentino, Vaughan, Walker, Weaver, Woodbury.

NAY - Austin, Barstow, Beaudette, Berry, Blanchard, Bliss, Browne W, Bryant, Burns, Cain, Campbell, Carter, Casavant, Cebra, Clark, Cleary, Connor, Conover, Craven, Crockett, Dill, Duchesne, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Fitts, Fletcher, Flood, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jackson, Jones, Kaenrath, Lansley, Lundeen, MacDonald, Marley, Patrick, Pendleton, Pieh, Pilon, Pingree, Plummer, Pratt, Priest, Richardson W, Rines, Robinson, Samson, Schatz, Silsby, Sutherland, Theriault, Tuttle, Wagner, Walcott, Watson, Webster, Weddell, Wheeler, Mr. Speaker.

ABSENT - Cressey, Greeley, Makas, Miller, Moore, Perry, Pineau, Piotti, Rector, Richardson E.

Yes, 72; No, 69; Absent, 10; Excused, 0.

72 having voted in the affirmative and 69 voted in the negative, with 10 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

ENACTORS

Acts

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

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

(C. "A" H-285; S. "D" S-309)

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

On motion of Representative MCKANE of Newcastle, 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. 167

YEA - Adams, Babbidge, Barstow, Beaudette, Beaudoin, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Clark,

Cleary, Connor, Conover, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Grose, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jones, Kaenrath, Koffman, Lundeen, MacDonald, Marley, Mazurek, Miller, Mills, Miramant, Norton, Patrick, Pendleton, Peoples, Percy, Pieh, Pilon, Pingree, Pratt, Priest, Rand, Rines, Samson, Schatz, Silsby, Simpson, Sirois, Smith N, Theriault, Treat, Trinward, Tuttle, Valentino, Wagner, Walcott, Watson, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Beaulieu, Berube, Browne W, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Duprey, Edgecomb, Emery, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Hamper, Hotham, Jacobsen, Joy, Knight, Lansley, Lewin, Marean, McDonough, McFadden, McKane, McLeod, Millett, Muse, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Robinson, Rosen, Savage, Saviello, Strang Burgess, Sutherland, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Vaughan, Walker, Weaver, Woodbury.

ABSENT - Cressey, Greeley, Jackson, Makas, Moore, Nass, Perry, Pineau, Piotti, Rector, Richardson E.

Yes, 84; No, 56; Absent, 11; Excused, 0.

84 having voted in the affirmative and 56 voted in the negative, with 11 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

Representative **BURNS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would like to announce a meeting that is coming up in Portland, on June 28, on local broadcasting. Before I give you any more details, I want to give you some information.

A couple of weeks ago in the State House of Connecticut, 22 labor leaders were arrested, arrested in their own State House for demonstrating in favor of single payer universal healthcare. The State of Kentucky, nobody was arrested here I will tell you, passed a resolution memorializing Congress to support single payer universal healthcare. The healthcare crisis that we face in this state and across this nation grows worse every day, while the profits of that industry grow ever greater.

Men and Women of the House, I will tell you that the 13 American colonies, those colonists were better informed about what is going on in their nation than we are today, so I urge you to go to this meeting in Portland. It is at the Portland High School, 284 Cumberland Avenue. It is from 4 pm to 11 pm on June 28, and the purpose of the hearing, according to the FCC, is to gather information from consumers, industry, civic organizations, and other broadcasters about the service from broadcasters to local communities.

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

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

Representative **DRISCOLL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. If I had been present on Roll Call No. 155, my vote would have been nay; on

Roll Call No. 156, my vote would have been yea; and on Roll Call No. 157, my vote would have been yea. Thank you very much.

On motion of Representative CROCKETT of Augusta, the House adjourned at 5:38 p.m., until 9:00 a.m., Tuesday, June 19, 2007 in honor and lasting tribute to Theda Scott Howard, of Augusta.