

# MAINE STATE LEGISLATURE

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

**Volume II**

**First Regular Session**

June 6, 2007 – June 21, 2007

**Second Regular Session**

January 2, 2008 - March 31, 2008

Pages 682-1357

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE  
SECOND REGULAR SESSION  
6th Legislative Day  
Tuesday, January 15, 2008

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

Prayer by Reverend Kevin Bellinger, Bethel Alliance Church.

National Anthem by Emily Bellinger, Bethel.

Pledge of Allegiance.

The Journal of Thursday, January 10, 2008 was read and approved.

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**SENATE PAPERS**

The following Joint Order: (S.P. 820)

ORDERED, the House concurring, that the Joint Standing Committee on Judiciary report out legislation concerning dissemination of confidential information in child protective proceedings.

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

**READ** and **PASSED** in concurrence.

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Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

(S.P. 818) (L.D. 2144)

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

**REFERRED** to the Committee on **TAXATION** in concurrence.

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**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

Bill "An Act To Improve the Health of Maine Communities and Reduce Emergency Care Burdens"

(H.P. 1528) (L.D. 2148)

Sponsored by Speaker CUMMINGS of Portland.

Cosponsored by Senator STRIMLING of Cumberland and Representatives: BRAUTIGAM of Falmouth, CAREY of Lewiston, CRAVEN of Lewiston, HARLOW of Portland, MAKAS of Lewiston, PINGREE of North Haven, RAND of Portland, WAGNER of Lewiston, Senators: BRANNIGAN of Cumberland, MARTIN of Aroostook, ROTUNDO of Androscoggin, TURNER of Cumberland.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

**REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

Sent for concurrence.

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Bill "An Act To Clarify Retirement Programs for Participating Local Districts" (EMERGENCY)

(H.P. 1530) (L.D. 2150)

Sponsored by Representative CLARK of Millinocket.

Cosponsored by Representatives: DRISCOLL of Westbrook, HASKELL of Portland, JACKSON of Allagash, THOMAS of Ripley, TUTTLE of Sanford, Senators: DOW of Lincoln, SULLIVAN of York.

Submitted by the Maine Public Employees Retirement System pursuant to Joint Rule 204.

Committee on **LABOR** suggested and ordered printed. **REFERRED** to the Committee on **LABOR** and ordered printed.

Sent for concurrence.

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Bill "An Act To Ensure That State Government Is a Model Employer of People with Disabilities"

(H.P. 1527) (L.D. 2147)

Sponsored by Representative MILLETT of Waterford.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

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

Sent for concurrence.

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Bill "An Act To Make Minor Substantive Changes to the Tax Laws"

(H.P. 1531) (L.D. 2151)

Sponsored by Representative PIOTTI of Unity.

Cosponsored by Senator PERRY of Penobscot.

Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

Committee on **TAXATION** suggested and ordered printed.

**REFERRED** to the Committee on **TAXATION** and ordered printed.

Sent for concurrence.

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Bill "An Act To Assist Maine's Forest Products Industry" (EMERGENCY)

(H.P. 1532) (L.D. 2155)

Sponsored by Representative MARLEY of Portland. (GOVERNOR'S BILL)

Cosponsored by Senator SCHNEIDER of Penobscot and Representatives: BROWNE of Vassalboro, CEBRA of Naples, CLEARY of Houlton, DUCHESNE of Hudson, FISHER of Brewer, HAYES of Buckfield, JACKSON of Allagash, MAZUREK of Rockland, PEOPLES of Westbrook, PRATT of Eddington, THERIAULT of Madawaska, THOMAS of Ripley, Senators: DAMON of Hancock, DIAMOND of Cumberland, ROSEN of Hancock, SAVAGE of Knox, WESTON of Waldo.

Committee on **TRANSPORTATION** suggested and ordered printed.

Under suspension of the rules, the Bill was given its **FIRST READING WITHOUT REFERENCE** to a committee.

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

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

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Bill "An Act To Lower Energy Costs and Increase Renewable Energy in Maine"

(H.P. 1529) (L.D. 2149)

Sponsored by Representative PINGREE of North Haven.

Cosponsored by Senator BARTLETT of Cumberland and Representatives: ADAMS of Portland, BEAUDETTE of Biddeford, BERRY of Bowdoinham, BLANCHARD of Old Town, BLISS of South Portland, BRAUTIGAM of Falmouth, BURNS of Berwick,

CAIN of Orono, CANAVAN of Waterville, CAREY of Lewiston, CARTER of Bethel, CONNOR of Kennebunk, CONOVER of Oakland, CROCKETT of Augusta, Speaker CUMMINGS of Portland, DUCHESNE of Hudson, EATON of Sullivan, EBERLE of South Portland, FAIRCLOTH of Bangor, FISCHER of Presque Isle, FLETCHER of Winslow, HAYES of Buckfield, HINCK of Portland, HOGAN of Old Orchard Beach, KOFFMAN of Bar Harbor, MARLEY of Portland, MAZUREK of Rockland, NORTON of Bangor, PEOPLES of Westbrook, PERRY of Calais, PIEH of Bremen, PRATT of Eddington, PRIEST of Brunswick, RECTOR of Thomaston, SCHATZ of Blue Hill, SIMPSON of Auburn, SIROIS of Turner, SMITH of Monmouth, SOCTOMAH of the Passamaquoddy Tribe, THERIAULT of Madawaska, TREAT of Hallowell, WATSON of Bath, WHEELER of Kittery, Senators: BOWMAN of York, DAMON of Hancock, DIAMOND of Cumberland, President EDMONDS of Cumberland, MARTIN of Aroostook, McCORMICK of Kennebec, MILLS of Somerset, MITCHELL of Kennebec, ROTUNDO of Androscoggin, SAVAGE of Knox.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Committee on **UTILITIES AND ENERGY** suggested and ordered printed.

**REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed.

Sent for concurrence.

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

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#### **SPECIAL SENTIMENT CALENDAR**

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

##### **Recognizing:**

the Honorable Edward C. Kelleher, of Scarborough, who is retiring from the position of Public Information Officer after 21 years of service with the Judicial Branch of the State Government. Mr. Kelleher represented the City of Bangor for eight terms in the Maine House of Representatives from 1969 to 1984. During that time he served on various committees, including eight years with the Public Utilities Committee and six years with the Appropriations Committee. We congratulate Mr. Kelleher on his retirement and we thank him for his many years of dedicated service to the people of the State of Maine;

(HLS 937)

Presented by Representative FISCHER of Presque Isle.

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 BRIGGS of Mexico, 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 CAREY of Lewiston, 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 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 FISHER of Brewer, Representative FITTS of Pittsfield, Representative FLETCHER of Winslow, Representative FLOOD of Winthrop, Representative GERZOFKY 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 JACKSON of Allagash, Representative JACOBSEN of Waterboro, Representative JOHNSON of Greenville, 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 Warren, Representative RINES of Wiscasset, Representative ROBINSON of Raymond, Representative ROSEN of Bucksport, Representative SAMSON of Auburn, Representative SARTY of Denmark, 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 Hallowell, Representative TRINWARD of Waterville, Representative TUTTLE of Sanford, Representative VALENTINO of Saco, Representative VAUGHAN of Durham, Representative WAGNER 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 FISCHER of Presque Isle, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

**Recognizing:**

David Gervais, of Lewiston, who is known locally as "Top Dollar Dave" because of his tireless volunteer work, most notably for the American Diabetes Association. Mr. Gervais has raised more than \$80,000 for the American Diabetes Association over the past eight years, mostly through a letter-writing campaign. He has volunteered for other organizations and causes, such as the Great TV Auction, and works at the Bates College coffee shop/snack bar. Mr. Gervais is a 4th-degree Knight and a member of the Honor Guard of the Knights of Columbus at Holy Family Church in Lewiston. We acknowledge his dedicated service to his community and we commend and thank Mr. Gervais for his admirable volunteer work;

(HLS 938)

Presented by Representative MAKAS of Lewiston. Cosponsored by Representative SAMSON of Auburn, Senator ROTUNDO of Androscoggin, Representative WAGNER of Lewiston, Representative CAREY 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 Makas.

Representative **MAKAS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. It is my pleasure to speak to this sentiment. David Gervais' generosity is very evident in this sentiment. It is important to note, also, that David's generosity has clearly inspired the generosity of many others, so I will simply say: David, thank you for your selfless dedication and your tireless efforts for so many valuable causes; but most of all, thank you, David, for inspiring the rest of us to also be a little bit more kind and a little bit more giving of ourselves. Thank you.

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

Representative **WAGNER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have been a frequent visitor to the Bates College den and snack bar and almost, without exception, I hear a friendly "Hi Dick!" from Dave Gervais, often followed by "Want to know how much I have collected for diabetes today?" No one I know has more enthusiasm for the work he does to benefit others. It is a privilege to be cosponsor of this sentiment in honor of Lewiston's one and only, David Gervais. Thank you, Mr. Speaker.

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

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Resolve, To Ensure Appropriate Personal Needs Allowances for Persons Residing in Long-term Care Facilities

(H.P. 501) (L.D. 652)

Signed:

Representatives:

PERRY of Calais  
MILLER of Somerville  
WALKER of Lincolnville  
LEWIN of Eliot  
FINLEY of Skowhegan

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-645)** on same Resolve.

Signed:

Senator:

BRANNIGAN of Cumberland

Representatives:

CAMPBELL of Newfield  
BEAUDOIN of Biddeford

**READ.**

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

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

Representative **CAMPBELL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill, here, what it does is give the people in long-term care another \$5 or \$10 spending money for toothpaste, candy bars, or whatever. Once you leave the long-term care facility, you know where you are going, don't you? You are not going home. So it is really a bill to help these people get a little goodies or a few things they

need, a little more money, before they leave the nursing home. I would like a roll call vote. Thank you.

Representative **CAMPBELL** of Newfield **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 Calais, Representative Perry.

Representative **PERRY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This was a difficult bill to work with. We had passed a bill earlier that did allow for some increase in allowance; this one asks for more and for an extension of it going on.

As Health and Human Services looked at the priorities and the needs that we would be bringing forth to Appropriations, we had decided that we had to really make some priorities so that Appropriations knew what we considered to be priority. The decision was, not that we did not want to see it, but that the money we were asking for, we would liked to have seen, or those who voted in the majority would liked to have seen in other needed places that were already brought forth. The bill for this was \$1.1 million, so we, as a result, voted against it.

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. As with Representative Perry, it was not an easy vote. I have been a social worker in nursing homes for the past ten years and with all due respect to Representative Campbell, it does not pay for toothpaste; it does not pay for shampoo. What it does is it increases the personal allowance for \$10 a month; however, most everyone in the nursing home has very few needs and because we as taxpayers are paying for probably 85 to 95 percent of the people already in the nursing homes, families, in my experience, are more than willing to supplement. Usually the only need that they would have in the nursing home would be if they wanted to have their hair done, and in many cases if the person does not have the funds, the beauticians will do it free of charge.

I do not find that the people in the nursing homes are suffering a hardship with their \$40 a month. I did not vote no for this easily; I gave it a lot of thought. But looking at all of the major cuts and the major needs that we have in this state, I felt this was one that we could vote Ought Not to Pass on. Thank you.

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

Representative **CAMPBELL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I supported this bill because the people it is going to help the most cannot speak for themselves in this chamber. We have plenty of money for a lot of other things, but when these people that are in a nursing home, they cannot come here and ask for help. I have a feeling that we should not start nickel and diming the people that need it the most. We listen to the lobbyists in the hallways and we listen to the different agencies that need this or that; these people cannot speak in this chamber and that is why I support this bill.

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

Representative **VALENTINO**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to say, also, I feel that this is a wonderful bill and I understand the

situation for the people, but I also have to applaud the Health and Human Services Committee, and the Chair, for taking a difficult position. This obviously is a very good bill, but they have recognized that we are under certain financial constraints this year. There are going to be many, many good bills that we are going to want to vote for this year, but because of the financial situation, we will not have the money for it and I applaud the Committee by having the courage not to just send this to the Appropriations Committee.

I think the fiscal responsibility has to start right here with all of our votes, with every member in this chamber realizing we have to at least keep what we have going now to sustain it without making additional cuts, and although there will be many, many good bills and good ideas to help people, I appreciate not sending it all down to the Appropriations Committee; therefore, I will be voting against it even though it is a good bill. Thank you.

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 voted against passage of this bill because I knew we were going to have a supplemental budget coming, and I knew we were going to see a whole lot of other cuts, and in the supplemental budget we are going to be taking cuts that curtail us and that are going to carry right on into 2009. We have had curtailments that are taking money from home healthcare; home healthcare is when you keep people in their own home at infinitely less cost than the state can afford to pay to take care of them. While we are making cuts like that, I cannot, in conscience, vote for this kind of a bill; it just is not sensible and in my view it is time that common sense prevailed in all these terrible choices we have to make. They are awful, no one likes them, there is no one in this room or any others in this building that likes to do these things, but they are the tough choices we were elected to make and it is an appropriate thing not to pass this bill. Thank you.

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

Representative **CAMPBELL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Being my sixth year in the Health and Human Services, and hopefully get elected again and spend two more years, I hear from a lot of my colleagues on both sides of the aisle about what we can afford and not afford; so my advice to them is to get off of Health and Human Services and get on Appropriations. When we send these bills to Appropriations and they cancel them out for lack of funds, I can accept that, but I am not in Health and Human Services to nickel and dime things, whether we can afford it or we cannot afford it. 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. 200

YEA - Adams, Annis, Austin, Ayotte, Barstow, Beaudette, Beaulieu, Berry, Blanchard, Bliss, Brautigam, Briggs, Browne W, Bryant, Cain, Canavan, Carey, Carter, Cebra, Chase, Cleary, Conover, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Duprey, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Grose, Hamper, Hanley S, Haskell, Hayes, Hill, Hinck, Hogan, Jacobsen, Johnson, Jones, Joy, Kaenrath, Knight, Koffman, Lansley, Lewin, Lundeen,

MacDonald, Marean, Mazurek, McDonough, McFadden, McKane, McLeod, Miller, Millett, Mills, Miramant, Nass, Norton, Patrick, Pendleton, Peoples, Perry, Pieh, Pineau, Pingree, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rand, Rector, Richardson D, Richardson W, Robinson, Rosen, Samson, Sarty, Savage, Silsby, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Treat, Trinward, Valentino, Vaughan, Wagner, Watson, Weaver, Webster, Weddell, Woodbury, Mr. Speaker.

NAY - Beaudoin, Boland, Burns, Campbell, Clark, Finch, Gerzofsky, Harlow, Jackson, Makas, Percy, Schatz, Simpson, Tuttle, Wheeler.

ABSENT - Babbidge, Berube, Blanchette, Casavant, Connor, Dunn, Emery, Marley, Moore, Muse, Pilon, Rines, Saviello, Walker.

Yes, 122; No, 15; Absent, 14; Excused, 0.

122 having voted in the affirmative and 15 voted in the negative, with 14 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-644)** on Bill "An Act To Establish a Single-payor Health Care System"

(H.P. 790) (L.D. 1072)

Signed:

Senators:

SULLIVAN of York  
BOWMAN of York

Representatives:

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

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

Signed:

Senator:

SNOWE-MELLO of Androscoggin

Representatives:

VAUGHAN of Durham  
RICHARDSON of Warren  
McKANE of Newcastle

**READ.**

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

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

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### CONSENT CALENDAR

#### First Day

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

(S.P. 764) (L.D. 1970) Resolve, To Extend to January 20, 2008 the Reporting Deadline for the Tribal-State Work Group (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass**

(H.P. 882) (L.D. 1240) Bill "An Act To Implement the Recommendations of the Criminal Law Advisory Commission" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-651)**

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

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### CONSENT CALENDAR

#### Second Day

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

(H.P. 4) (L.D. 3) Bill "An Act To Strengthen 'Permissible Inference' in the Law Concerning Dissemination of Sexually Explicit Material" (EMERGENCY) (C. "B" H-646)

(H.P. 131) (L.D. 149) Bill "An Act To Take into Account the Crime Committed That Facilitated a Sexual Assault" (C. "B" H-647)

(H.P. 191) (L.D. 220) Bill "An Act To Clarify and Expand Maine Criminal Laws Related to Sexual Assault" (C. "B" H-648)

(H.P. 883) (L.D. 1241) Bill "An Act To Provide Uniform Treatment of Prior Convictions in the Maine Criminal Code" (C. "B" H-649)

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

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### ENACTORS

#### Acts

An Act To Promote Forest Management Planning and Certification

(H.P. 558) (L.D. 737)

(C. "B" H-634)

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.

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

### SENATE PAPERS

Bill "An Act To Ensure Access to Necessary Health Care Services in Maine by Repealing the Capital Investment Fund"

(S.P. 821) (L.D. 2152)

Bill "An Act To Improve the Organizational Structure of the Department of Health and Human Services"

(S.P. 822) (L.D. 2153)

Came from the Senate, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

**REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

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Bill "An Act Concerning Technical Changes to the Tax Laws"

(S.P. 823) (L.D. 2154)

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

**REFERRED** to the Committee on **TAXATION** in concurrence.

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**Non-Concurrent Matter**

Bill "An Act To Assist Maine's Forest Products Industry"  
(EMERGENCY)

(H.P. 1532) (L.D. 2155)

**READ TWICE** under suspension of the rules without reference to a committee and **PASSED TO BE ENGROSSED** in the House on January 15, 2008.

Came from the Senate **REFERRED** to the Committee on **TRANSPORTATION** in **NON-CONCURRENCE**.

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

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

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On motion of Representative CLARK of Millinocket, the House adjourned at 10:58 a.m., until 10:00 a.m., Thursday, January 17, 2008 in honor and lasting tribute to Charles E. Noddin, of Millinocket.