

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
14th Legislative Day
Thursday, February 7, 2008

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

Prayer by Reverend Diane Bennekamper, Congregational Church in Cumberland, United Church of Christ.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

SENATE PAPERS

The following Joint Resolution: (S.P. 845)

**JOINT RESOLUTION MEMORIALIZING THE MEMBERS OF
THE UNITED STATES CONGRESS TO ACT IN THE BEST
INTERESTS OF MAINE CITIZENS CONCERNING MEDICAID
CHANGES**

WE, your Memorialists, the Members of the One Hundred and Twenty-third Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the United States Congress as follows:

WHEREAS, the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services has released a set of changes to Medicaid service reimbursements that would eliminate or reduce federal reimbursements for certain targeted case management, rehabilitation, hospital outpatient, administrative and transportation services and prohibit the opportunity for private services to earn federal matching funds; and

WHEREAS, the reductions in reimbursements will be catastrophic for our social safety net, for the mentally ill, for those who are aged and for children with special education needs; and

WHEREAS, the State and the Nation are facing challenging economic times and making difficult budgeting decisions due to a struggling economy; and

WHEREAS, the changes serve as an immediate \$45 million cut in funds to the State to provide services at a time when Maine is already facing at least a \$95 million shortfall in the state budget, and Maine property taxpayers will have to shoulder the burden of increased local costs to provide the services that will no longer be paid for by the Federal Government; and

WHEREAS, the Medicaid changes were issued with an extremely short timeline for states and local communities to adjust to the lost revenue and determine how to deliver the federally mandated services through their own budgets; and

WHEREAS, the changes will have a crippling effect of more than \$140 million to the very necessary health care service industry, which employs thousands of people in the State and provides crucial services to Medicaid recipients; and

WHEREAS, the cuts will have a severely negative economic impact on our local communities, our State and our Nation at a time when President George W. Bush is talking about the need for economic stimulus to keep our country out of a recession; and

WHEREAS, the policy decisions that were made to institute these changes seem to be short-sighted and will have a negative impact on the health, safety and economic potential of not only the State of Maine, but of the Nation; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the elected members of the United States House of Representatives and Senate defend the vulnerable citizens, children, seniors, service providers and taxpayers of Maine and the United States by working to withdraw these harmful changes before they go into effect; and be it further

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

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

READ.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Fischer.

Representative **FISCHER**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would just urge members to support this Joint Resolution.

As many of you have been with us over the last seven days or so as we conducted public hearings in the Appropriations Committee, you have seen the difficulties of our own budget, you have seen the tough choices that lie ahead for this Legislature and especially for our Appropriations Committee, and we thought it was proper to lend our voices to the many coming from across the country, calling on Congress and the President to take a second look at these rules that are coming forward that will cause great disturbances here in the State of Maine. The problems that we have are great and we do not need further complications to our budget. The changes that are proposed, currently, would cause \$45 million of further cuts to be necessary within our Human Services budget. We do not believe that our constituents can afford those cuts, so I would urge passage of this Resolution, and I would ask for a roll call.

Representative **FISCHER** of Presque Isle **REQUESTED** a roll call on **ADOPTION**.

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

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

ROLL CALL NO. 208

YEA - Annis, Ayotte, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Blanchard, Bliss, Boland, Brautigam, Briggs, Browne W, Bryant, Cain, Campbell, Carey, Carter, Chase, Clark, Cleary, Connor, Craven, Cray, Crockett, Dill, Driscoll, Dunn, Eaton, Eberle, Faircloth, Finch, Finley, Fischer, Fitts, Flood, Gerzofsky, Giles, Gould, Greeley, Grose, Hanley S, Harlow, Hayes, Hill, Hinck, Hogan, Jackson, Jones, Kaenrath, Knight, Koffman, Lundeen, MacDonald, Marean, Marley, Mazurek, McDonough, Miller, Millett, Mills, Miramant, Muse, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pineau, Pingree, Piotti, Pratt, Priest, Rand, Rector, Richardson D, Richardson W, Rines, Rosen, Samson, Sarty, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Tibbetts, Treat, Trinward, Tuttle, Valentino, Wagner, Walker, Watson, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Austin, Berube, Cebra, Cotta, Crosthwaite, Curtis, Duprey, Edgecomb, Emery, Fletcher, Gifford, Hamper, Johnson, Joy, Lansley, Lewin, McFadden, McKane, McLeod, Pinkham, Plummer, Prescott, Robinson, Thomas.

ABSENT - Adams, Blanchette, Burns, Canavan, Casavant, Conover, Duchesne, Farrington, Fisher, Haskell, Jacobsen, Makas, Moore, Smith N, Vaughan.

Yes, 112; No, 24; Absent, 15; Excused, 0.

112 having voted in the affirmative and 24 voted in the negative, with 15 being absent, and accordingly the Joint Resolution was **ADOPTED** in concurrence.

Non-Concurrent Matter

Bill "An Act To Prevent and Treat Cancer in Maine by Providing a Source of Funding for a Comprehensive Cancer Prevention Program"

(H.P. 1484) (L.D. 2098)

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** in the House on January 31, 2008.

Came from the Senate **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (H.C. 439)

STATE OF MAINE

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

February 4, 2008

Honorable Beth Edmonds, President of the Senate
Honorable Glenn Cummings, Speaker of the House
123rd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Criminal Justice and Public Safety has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1999 An Act To Amend Criminal Laws against Domestic Violence To Ensure Appropriate Recognition of Prior Convictions (EMERGENCY)
- L.D. 2011 An Act To Establish a Bracelet Monitoring Program for Persons Convicted of Minor Crimes
- L.D. 2030 An Act To Allow Nondangerous Drivers To Obtain a Work-restricted License

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

Sincerely,
S/Sen. Bill Diamond
Senate Chair
S/Rep. Stanley J. Gerzofsky
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 440)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

February 4, 2008

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 Health and Human Services has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1975 Resolve, To Require the Department of Health and Human Services To Promote Awareness of Parkinson's Disease
- L.D. 2035 An Act To Clarify the Laws Governing the Inspection of Medical Facilities
- L.D. 2085 An Act To Protect Children from Secondhand Smoke
- L.D. 2107 An Act To Establish a Forensic Case Review Panel To Advise the Department of Health and Human Services

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

Sincerely,
S/Sen. Joseph C. Brannigan
Senate Chair
S/Rep. Anne C. Perry
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 441)

STATE OF MAINE

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

February 4, 2008

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 bills out "Ought Not to Pass":

- L.D. 1747 An Act To Enact the Uniform Power of Attorney Act
- L.D. 1988 An Act To Protect Persons Responding to an Emergency Situation Involving a Water Utility (EMERGENCY)

We have also notified the sponsors and cosponsors of each bill listed 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.

The Following Communication: (H.C. 442)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON NATURAL RESOURCES**

February 5, 2008

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 Natural Resources has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 2016 An Act To Safeguard Imperiled or Critically Imperiled Natural Communities within Protected Natural Resources
L.D. 2017 An Act To Provide for Enforcement of the Office Paper Recycling Program

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

Sincerely,
S/Sen. John L. Martin
Senate Chair
S/Rep. Theodore S. Koffman
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 443)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON TAXATION**

February 4, 2008
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 Taxation has voted unanimously to report the following bill out "Ought Not to Pass":
L.D. 1298 An Act To Amend the Definition of "Working Waterfront Land" To Include Land Used for Marine Trades

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

Sincerely,
S/Sen. Joseph C. Perry
Senate Chair
S/Rep. John F. Piotti
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 444)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON TRANSPORTATION**

February 4, 2008
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 Transportation has voted unanimously to report the following bills out "Ought Not to Pass":
L.D. 1978 An Act To Require the Department of Transportation To Recover for the Highway Fund Any Money Recovered from Those Responsible for Doing Damage to State Roads and Bridges
L.D. 2040 An Act To Ban the Use of Liquid Calcium Chloride on Roads

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

Sincerely,

S/Sen. Dennis S. Damon
Senate Chair
S/Rep. Boyd P. Marley
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.P. 846)

**STATE OF MAINE
123RD MAINE LEGISLATURE**

February 5, 2008
Sen. John L. Martin
Senate Chair, Joint Standing Committee on Natural Resources
Rep. Theodore S. Koffman
House Chair, Joint Standing Committee on Natural Resources
123rd Legislature
Augusta, ME 04333
Dear Senator Martin and Representative Koffman:
Please be advised that Governor John E. Baldacci has nominated Charles Beck of Presque Isle for reappointment and Thomas Urquhart of Falmouth for appointment to the Maine Outdoor Heritage Fund Board.
Pursuant to Title 12 M.R.S.A. §10308 (1), these nominations will require review by the Joint Standing Committee on Natural Resources and confirmation by the Senate.
Sincerely,
S/Beth Edmonds
President of the Senate
S/Glenn Cummings
Speaker of the House

Came from the Senate, **READ and REFERRED** to the Committee on **NATURAL RESOURCES.**

READ and REFERRED to the Committee on **NATURAL RESOURCES** in concurrence.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Ensure Full Payment of Annuity Death Benefits"

(H.P. 1569) (L.D. 2200)

Sponsored by Representative MCKANE of Newcastle.
Cosponsored by Senator SULLIVAN of York and Representatives: BRAUTIGAM of Falmouth, PRIEST of Brunswick, RICHARDSON of Warren, TREAT of Hallowell, VAUGHAN of Durham.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **INSURANCE AND FINANCIAL SERVICES** suggested and ordered printed.

REFERRED to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.

Sent for concurrence.

Bill "An Act To Require a Municipality To Move a Body Buried in the Wrong Grave" (EMERGENCY)

(H.P. 1570) (L.D. 2201)

Sponsored by Representative PIOTTI of Unity.
Cosponsored by Senator WESTON of Waldo.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

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

Sent for concurrence.

Bill "An Act To Allow the Town of Kittery To Implement a Program To Abate Taxes for Senior Citizens in Exchange for Public Service"

(H.P. 1571) (L.D. 2202)

Sponsored by Representative WHEELER of Kittery.

Cosponsored by Senator BOWMAN of York and Representatives: BRYANT of Windham, CAMPBELL of Newfield, CLARK of Millinocket, CROSTHWAITE of Ellsworth, Speaker CUMMINGS of Portland, FAIRCLOTH of Bangor, GOULD of South Berwick, HILL of York, JACKSON of Allagash, MARLEY of Portland, PINGREE of North Haven, PIOTTI of Unity, SIMPSON of Auburn, TARDY of Newport, Senators: President EDMONDS of Cumberland, MITCHELL of Kennebec.

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

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

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

Sent for concurrence.

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

ORDERS

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 37)

ORDERED, that Representative Robert A. Berube of Lisbon be excused January 24 and 29 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Robert H. Crosthwaite of Ellsworth be excused January 29 and 31 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Harold Ian Emery of Cutler be excused February 5 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Sarah O. Lewin of Eliot be excused January 22 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Howard E. McFadden of Dennysville be excused January 31 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative John L. Patrick of Rumford be excused January 3 for personal reasons.

READ and **PASSED**.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Maine's charitable nonprofit sector and the Maine Association of Nonprofits, who are hosting the fifth annual Nonprofit Day at the State House on February 7, 2008. The Maine Association of Nonprofits is the only statewide organization that represents the full spectrum of the State's nonprofit organizations. Founded in 1994 by a core group of 7 nonprofit organizations, the Maine Association of Nonprofits' mission is to strengthen the leadership, voice and organizational effectiveness of nonprofit organizations so that they can better enrich the quality of community and

personal life throughout the State. Its membership consists of more than 650 nonprofit members and 100 business and individual supporters who work cooperatively to ensure the efficiency and effectiveness of Maine's third sector. We congratulate the Maine Association of Nonprofits for its excellent work on behalf of the nonprofit organizations and extend our thanks for organizing the annual Nonprofit Day at the Maine State Legislature;

(HLS 994)

Presented by Representative BLISS of South Portland.

Cosponsored by Senator BARTLETT of Cumberland, Senator BRANNIGAN of Cumberland, Representative EBERLE of South Portland, Representative KAENRATH of South Portland, Representative DILL of Cape Elizabeth.

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

READ.

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

Representative **BLISS**: Thank you, Mr. Speaker. If you had time to read the Business section of this morning's *Portland Press Herald* as you were shaving, talking on the phone and driving to work, you would have noticed that there are several announcements of businesses laying off workers. There were several announcements of local Maine businesses not meeting their economic forecasts for the previous quarter.

If you ran a career center at a university, as I happen to do, you would know that many businesses are now looking to hire part-time employees rather than full-timers, as a way to save money on benefits. We are careening slowly but dramatically towards a recession. We are certainly not getting any help from the Federal Government. Our people are concerned. People in Maine are, for the most part, one paycheck away from poverty. Lots of people are wondering where in the world their next tank of oil is going to come from and how they are going to juggle childcare, gasoline to get to work, and food for their kid's table. We cannot help them out, but there is a group of people and organizations in Maine, in your district and mine, who are picking up that slack and they are nonprofits. Nonprofit organizations in this state play a huge role in helping people out in a variety of arenas. We could not accomplish what we do as a society without the assistance of these nonprofits.

Today, the Maine Association of Nonprofits, an organization that is not very old but extremely valuable, has brought a group of nonprofits to the State House to help you see how nonprofits help us help our people. The nonprofits that are on the second floor today include the Children's Center for Early Intervention and Family Support, from right here in Augusta; Coastal Enterprises; the Cove Brook Watershed Association; the Junior League of Portland; the Kennebec Behavioral Health Clinic; the KIDS Consortium; the Maine Association of Mental Health Providers; the Penobscot Resource Center; the Progress Center; and the Portland Public Library. I hope you will take a few minutes today, either on a break or when we adjourn, to spend some time talking to those folks and the staff from the Maine Association of Nonprofits, who are also on the second floor, and learn about what they do to help us help our people. Thank you, Mr. Speaker.

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

Recognizing:

the following members of the Leavitt Area High School Concert Band: Heidi Bean, Emily Hunter, Kate McKeown, Alexis White, Morgan Smith, Sarah McKeown, Lauren Lord, Amelia Caron, Isaac Elie, Emile Castonguay, Natasha Smith, Jamie Archer, Michael Hunter, Dan Seavey, Dustin Harrison, Allison Hunter, Krista Lacroix, Allison Neal and Nathan Theriault and director William Buzza. The band is the recipient of a silver medal for their performance at the Heritage Music Festival in New York City, where the band performed in the historic Riverside Church. Five members of the band were chosen for the honor of representing the State in the Macy's Great American Marching Band, which led the 2007 Macy's Thanksgiving Day Parade. We extend our congratulations to these talented students and to their director for their success and recognize them for their hard work;

(HLS 995)

Presented by Representative SIROIS of Turner.

Cosponsored by Senator NUTTING of Androscoggin, Representative LANSLEY of Sabattus, Representative KNIGHT of Livermore Falls.

On **OBJECTION** of Representative SIROIS of Turner, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

REPORTS OF COMMITTEE

Refer to the Committee on Health and Human Services Pursuant to Joint Order

Report of the **Joint Standing Committee on Health and Human Services** on Bill "An Act Regarding Clinical Review of Certain Requests for Involuntary Mental Health Treatment" (EMERGENCY)

(S.P. 844) (L.D. 2193)

Reporting that it be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** pursuant to Joint Order 2007, S.P. 829.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 749) (L.D. 1955) Bill "An Act Regarding Certain Positions at the Public Utilities Commission" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-407)**

(H.P. 1351) (L.D. 1918) Bill "An Act To Ensure Adequate Funding for the Oversight of Spent Nuclear Fuel Storage in Maine" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-671)**

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

CONSENT CALENDAR

Second Day

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

(S.P. 807) (L.D. 2117) Bill "An Act To Create the Starboard Water District" (EMERGENCY)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was **PASSED TO BE ENGROSSED** in concurrence.

ENACTORS

Emergency Measure

An Act To Extend the Deadline for Applications for Loans Associated with the Remediation of a Waste Oil Site in Plymouth

(S.P. 743) (L.D. 1933)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 130 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Amend the Charter of the Norway Water District

(H.P. 1460) (L.D. 2076)

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. 131 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Strengthen the Scientific Research Support Capability of the Maine State Museum

(S.P. 209) (L.D. 672)

(C. "B" S-403)

An Act To Promote Tourism in Maine and the Purchase of Products Made in Maine

(S.P. 753) (L.D. 1959)

An Act To Create Consistency in the Authority of the Public Utilities Commission To Provide Tariff Exemptions

(H.P. 1444) (L.D. 2060)

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

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

UNFINISHED BUSINESS

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

Bill "An Act To Promote Residential and Commercial Energy Conservation"

(S.P. 841) (L.D. 2179)

- In Senate, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**.

TABLED - February 6, 2008 (Till Later Today) by Representative BLISS of South Portland.

PENDING - REFERENCE IN CONCURRENCE.

Subsequently, the Bill was **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

Joint Order Directing the Joint Standing Committee on Health and Human Services to report out, to the Senate, a bill regarding parental consent to dispense prescription drugs to children

(S.P. 842)

- In Senate, **READ** and **PASSED**.

TABLED - February 6, 2008 (Till Later Today) by Representative PINGREE of North Haven.

PENDING - **PASSAGE**.

Representative PINGREE of North Haven moved that the Joint Order and all accompanying papers be **INDEFINITELY POSTPONED**.

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. It is my understanding that this was a bill that was brought before the Legislative Council, was deemed not to be an emergency, and, therefore, was refused as coming forward.

As Chair of Health and Human Services, I do not believe that this requires an emergency report out from Health and Human Services. What I see as an emergency right now is the shortfalls we are dealing with in the budget. Health and Human Services and Appropriations are working very hard right now to, first of all, deal with the first series of cuts of \$64.9 million out of the Health and Human Services' budget for this biennium budget.

We have now learned that we have to remove another \$33.8 million from that budget.

The SPEAKER: The Chair asks the Representative to please defer.

The Chair recognizes the Representative from Raymond, Representative Robinson, and requests why he interrupts debate.

Representative **ROBINSON**: How does this pertain to the current discussion, Mr. Speaker? Thank you.

The SPEAKER: The Chair inquires as to what particular issues he may have an issue with in the discussion at this point.

Representative **ROBINSON**: Mr. Speaker, we are discussing Indefinite Postponement of the Joint Order; her remarks are pertaining to the current budget and fiscal state.

On **POINT OF ORDER**, Representative ROBINSON of Raymond asked the Chair if the remarks of Representative PERRY of Calais were germane to the pending question.

The SPEAKER: The Chair would rule that the discussion of the workload of the Health and Human Service Committee is extremely relevant to the discussion of whether this should be properly before this body and to this committee at this time. The Representative may proceed.

The Chair advised Representative ROBINSON of Raymond that the remarks of Representative PERRY of Calais were germane to the pending question.

Representative **PERRY**: The request is that we figure out how to take \$98.7 million out of the Health and Human Services' budget. If I am correct at this time, this puts our budget request below the budget of last session. We are now working very hard with the negative with health, where health and what health will look like out of Health and Human Services in this biennium. This is work that this Committee considers to be an emergency, considers it needs significant focus, and we feel that that is where

we should be spending our time. I ask for Indefinite Postponement.

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. I urge members to vote against the pending motion and to pass this Joint Order, and, ultimately, allow this issue its due legislative process.

Mr. Speaker, this is an important issue. It has statewide implications, not just implications with King Middle School, and I would suggest respectfully that our failure to allow this issue to go forward in the process and let the Health and Human Services Committee address this issue, sends a clear message that we do not care about a parent's role in a child's medical situation. I would suggest that this issue deserves process, and with all due respect to my friend, the good Representative from Calais, how we define an emergency is a term of art; quite frankly, if we are going to impose a stringent definition of emergency, I would ask all the members of this body to look at the titles of bills that we have let in, in Legislative Council. I would suggest, with all due respect, that the notion that we do not have the capability and the facilities to address this issue and give it its fair shot in the process, is an absurd argument. Mr. Speaker, I think that we all know that Indefinite Postponement is just a tool to hide from a potentially controversial issue.

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

Representative **PERRY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is, in reading this, does not talk about school; it talks about parental consent regarding any medication. It is a very broad issue which there are some federal laws that regard this, and I do believe that if you are talking about the school situation that this also can be considered a local control issue.

Again, it is very broad; it does not give to me the sense that this is an emergency. There are a great deal of safeguards already in place, in terms of the school process and the public process and the sense of the local control.

The other thing to look at is this also may be considered a safety issue, a safety issue which should be determined at the local level with school boards and their communities, and I think that we should allow that opportunity to occur.

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. Just a quick response: If the issue is local control, you can't get any more local than the parents in their house. Mr. Speaker, I request a roll call.

Representative TARDY of Newport **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Joint Order and all accompanying papers.

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 Indefinite Postponement. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 209

YEA - Adams, Babbidge, Barstow, Berry, Blanchard, Bliss, Boland, Brautigam, Briggs, Bryant, Cain, Carey, Carter, Casavant, Connor, Conover, Craven, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Fischer, Gerzofsky, Giles, Grose, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jones, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Marley, Mazurek, Miller, Mills, Miramant, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pineau, Pingree, Piotti, Pratt, Priest, Rand,

Schatz, Silsby, Simpson, Sirois, Strang Burgess, Sutherland, Treat, Trinward, Valentino, Wagner, Watson, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Beaudette, Beaudoin, Beaulieu, Berube, Browne W, Burns, Campbell, Cebra, Chase, Clark, Cleary, Cotta, Cray, Crockett, Crosthwaite, Curtis, Duprey, Edgcomb, Finch, Finley, Fitts, Fletcher, Flood, Gifford, Gould, Greeley, Hamper, Hanley S, Jackson, Johnson, Joy, Knight, Lansley, Lewin, Marean, McDonough, McFadden, McKane, McLeod, Millett, Muse, Nass, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Sarty, Savage, Saviello, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Tuttle, Vaughan, Walker, Weaver.

ABSENT - Blanchette, Canavan, Emery, Farrington, Fisher, Jacobsen, Moore, Smith N, Theriault.

Yes, 75; No, 67; Absent, 9; Excused, 0.

75 having voted in the affirmative and 67 voted in the negative, with 9 being absent, and accordingly the Joint Order the Joint Order and all accompanying papers were **INDEFINITELY POSTPONED** in **NON-CONCURRENCE** and sent for concurrence.

SENATE PAPERS

The following Joint Order: (S.P. 848)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, February 12, 2008 at 10:00 in the morning.

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

READ and **PASSED** in concurrence.

Bill "An Act To Ensure Landowner Access to Land That Is Intersected by a Railroad"

(S.P. 847) (L.D. 2199)

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

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

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

On motion of Representative EDGECOMB of Caribou, the House adjourned at 11:19 a.m., until 10:00 a.m., Tuesday, February 12, 2008 pursuant to the Joint Order (S.P. 848) and in honor and lasting tribute to Jean M. Turner, of Caribou.