

# 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  
18th Legislative Day  
Tuesday, February 26, 2008

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

Prayer by Reverend Roger Cousineau, East Auburn Baptist Church, Auburn.

National Anthem by Erskine Academy Vocal Ensemble, South China.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

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**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act To Provide a Felony Penalty for Assault on a Firefighter"

(H.P. 201) (L.D. 239)

Report "C" (2) **OUGHT TO PASS AS AMENDED** of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-658)** in the House on February 14, 2008.

Came from the Senate with Report "B" (3) **OUGHT NOT TO PASS** of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY READ** and **ACCEPTED** in **NON-CONCURRENCE**.

On motion of Representative GERZOFKY of Brunswick, the House voted to **INSIST**.

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**Non-Concurrent Matter**

Bill "An Act To Secure the Sites Necessary for the Statewide Radio and Network System"

(H.P. 1497) (L.D. 2111)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-670)** in the House on February 6, 2008.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-670) AND SENATE AMENDMENT "A" (S-424)** in **NON-CONCURRENCE**.

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

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**COMMUNICATIONS**

The Following Communication: (S.P. 854)

**STATE OF MAINE  
123RD MAINE LEGISLATURE**

February 20, 2008

Sen. Ethan Strimling

Senate Chair, Joint Standing Committee on Labor

Rep. John L. Tuttle

House Chair, Joint Standing Committee on Labor

123rd Legislature

Augusta, ME 04333

Dear Senator Strimling and Representative Tuttle:

Please be advised that Governor John E. Baldacci has nominated Richard Metivier of Lewiston and Catherine Sullivan of Portland for reappointment to the Maine State Retirement System Board of Trustees.

Pursuant to Title 5 M.R.S.A. §17102, these nominations will require review by the Joint Standing Committee on Labor 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 **LABOR**.

**READ** and **REFERRED** to the Committee on **LABOR** in concurrence.

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The Following Communication: (S.P. 855)

**STATE OF MAINE**

**123RD MAINE LEGISLATURE**

February 22, 2008

Sen. John M. Nutting

Senate Chair, Joint Standing Committee on Agriculture, Conservation and Forestry

Rep. Wendy Pieh

House Chair, Joint Standing Committee on Agriculture, Conservation and Forestry

123rd Legislature

Augusta, ME 04333

Dear Senator Nutting and Representative Pieh:

Please be advised that Governor John E. Baldacci has nominated James W. Tracy of Farmingdale for reappointment to the State Harness Racing Commission.

Pursuant to Title 8 M.R.S.A. §261-A, this nomination will require review by the Joint Standing Committee on Agriculture, Conservation and Forestry 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 **AGRICULTURE, CONSERVATION AND FORESTRY**.

**READ** and **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

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The Following Communication: (S.P. 856)

**STATE OF MAINE**

**123RD MAINE LEGISLATURE**

February 22, 2008

Sen. John M. Nutting

Senate Chair, Joint Standing Committee on Agriculture, Conservation and Forestry

Rep. Wendy Pieh

House Chair, Joint Standing Committee on Agriculture, Conservation and Forestry

123rd Legislature

Augusta, ME 04333

Dear Senator Nutting and Representative Pieh:

Please be advised that Governor John E. Baldacci has nominated the following to the Board of Pesticides Control:

Daniel Simonds of Rangeley for reappointment

Thomas Qualey of Sherman for reappointment

Deborah Aldridge of Jonesboro for appointment

Pursuant to Title 22 M.R.S.A. §1471-B, these nominations will require review by the Joint Standing Committee on Agriculture, Conservation and Forestry 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 **AGRICULTURE, CONSERVATION AND FORESTRY**.

**READ** and **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

Bill "An Act To Reduce the Cost of Prescription Drugs Purchased by the State and Counties by Using Section 340B of the Federal Public Health Service Act"

(H.P. 1591) (L.D. 2231)

Sponsored by Representative TREAT of Hallowell.

Cosponsored by Senator MARTIN of Aroostook and Representatives: BRAUTIGAM of Falmouth, HANLEY of Gardiner, HASKELL of Portland, JONES of Mount Vernon, MILLETT of Waterford, MILLS of Farmington, PINGREE of North Haven, Senator: MILLS of Somerset.

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

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.

Bill "An Act To Amend the Games of Cards Law"

(H.P. 1593) (L.D. 2232)

Sponsored by Representative PATRICK of Rumford. (GOVERNOR'S BILL)

Committee on **LEGAL AND VETERANS AFFAIRS** suggested and ordered printed.

**REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

Sent for concurrence.

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

**ORDERS**

On motion of Representative BURNS of Berwick, the following Joint Resolution: (H.P. 1592) (Cosponsored by Senator NUTTING of Androscoggin and Representatives: CARTER of Bethel, CASAVANT of Biddeford, CLARK of Millinocket, CROCKETT of Augusta, DILL of Cape Elizabeth, FAIRCLOTH of Bangor, HARLOW of Portland, HINCK of Portland, RAND of Portland, SAVAGE of Falmouth, SIROIS of Turner, WHEELER of Kittery, Senators: President EDMONDS of Cumberland, NASS of York)

**JOINT RESOLUTION EXPRESSING SUPPORT FOR THE HUMAN RIGHTS TORCH RELAY**

WHEREAS, the Chinese communist regime has been granted the honor of hosting the 2008 Olympics in Beijing with the provision that the nation improve its treatment of Chinese citizens; and

WHEREAS, human rights violations have increased in China since this honor was granted; and

WHEREAS, the Chinese regime imprisons millions of Christians, Tibetan Buddhists, Uighur Muslims, Falun Gong, democracy advocates, labor organizers, lawyers, journalists, environmental activists, political dissidents and other innocent citizens in slave labor camps without trial; and

WHEREAS, the Chinese regime illegally harvests vital body organs for sale without consent from Falun Gong prisoners of conscience; and

WHEREAS, the Chinese regime continues to occupy Tibet and attempts to erase the cultures of Tibetans and Muslim Uighurs; and

WHEREAS, the Chinese regime forces women to get abortions, even in the 3rd trimester of pregnancy, to enforce the "one child per family" rule; and

WHEREAS, the Chinese regime supports the dictatorships in Sudan, Burma, Zimbabwe and North Korea in perpetuating slaughter upon their citizens; and

WHEREAS, the Chinese regime prohibits freedom of religion, and those who practice their faith and beliefs in underground churches are arrested, imprisoned and persecuted; and

WHEREAS, the Chinese regime prohibits freedom of speech, controls the population with private and public surveillance and censors information on the Internet; and

WHEREAS, the Chinese regime prohibits freedom of the press and imprisons more journalists and reporters than any country in the world; and

WHEREAS, the Olympic Charter calls for the Olympic Games to represent "respect for universal fundamental ethical principles" and "the harmonious development of man, with a view to promoting a peaceful society concerned with the preservation of human dignity." It states that: "Any form of discrimination with regard to a country or a person on grounds of race, religion, politics, gender or other reason is inconsistent with membership in the Olympic Movement"; and

WHEREAS, the Human Rights Torch Relay is an international campaign that seeks to bring an end to all human rights abuses against the people of China and is dedicated to ending human rights abuses by the Chinese communist regime, to reestablishing the mandate of the Olympic Charter and to preserving the true Olympic spirit; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-third Legislature now assembled in the Second Regular Session, on behalf of the people we represent, declare our support for the Human Rights Torch Relay campaign and proclaim April 2008 to be Human Rights Torch Relay Month; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be displayed at the office of the Secretary of State on behalf of the people of Maine.

**READ.**

On motion of Representative BURNS of Berwick, **TABLED** pending **ADOPTION** and later today assigned.

**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

the Bonny Eagle High School Varsity Football Team, of Standish, on its winning the 2007 State Class A Championship. The following are the members of the team: Darren Lovely, Jake Boudreau, Zack Harmon, Sam Proudman, Wade Severance, Max Alfiero, Justin Smith, Kameron Kalmar, Nate Doehler, Matthew Rollins, Joe Davis, Cody Spencer, Josh Ruby, Brian Butler, Stephen Martin, Ryan Nason, Dayton McPherson, John

Onesti, Caleb Gosselin, Ethan Cola, Ryan Lambert, Tony Forstner, Tyler Pratt, Travis Dunn, Nate Bilodeau, Dan Wiley, Nate Martel, Ethan Thorne, Garrett Hubner, Jesse Harmon, Jake Waterman, Joe Gallant, Shane Mudgett, Brandon Keene, Caleb Lussier, Sam Berry, Alan Clark, Kyle Wedge, Derek Watts, Zack Cook, Kyle Hanson, Dana Jackson, Nick Bickford, Brent Sawyer, Travis Smith, Nick Cawood, Mitch Foster, Matt Spearin, Dylan Perry, Josh Spearin, Josh Jones, Josh Lund, Brody Fish, Cory Vandeventer, Ricky Hoyt, Jeff Amell, Matt Beckwith, Cameron McKague, Donald Hildreth and Otis Oakes. This is the team's 3rd Class A State Championship, having won it in 2004 and 2005. All championship teams have been coached by Kevin Cooper. The assistant coaches for this year's championship are John Suttie, Pete Cooper, Dan Baker, Nat Germond and Ben Ledue. We congratulate all the team members and coaches on their victory;

(HLS 1015)

Presented by Representative MAREAN of Hollis. Cosponsored by Senator HOBBS of York, Senator DIAMOND of Cumberland, Representative MOORE of Standish, Representative ROBINSON of Raymond, Representative FARRINGTON of Gorham, Senator COURTNEY of York, Representative SARTY of Denmark.

On **OBJECTION** of Representative MAREAN of Hollis, was **REMOVED** from the Special Sentiment Calendar. **READ** and **PASSED** and sent for concurrence.

**Recognizing:**

Kevin Cooper, of Buxton, who was named the Mike Landry Coach of the Year. Coach Cooper, who teaches social studies, just finished his tenth year as the head coach of the Bonny Eagle High School football program. After a playing career at Lawrence High School and Dartmouth College, he coached at Ohio University, the Maine Maritime Academy and the University of Maine before coming to Bonny Eagle High School. The Bonny Eagle football team under Coach Cooper has won three state championships in the last four years and has gone to the playoffs seven times. We congratulate Coach Cooper on his receiving this honor and send our best wishes for continued success;

(HLS 1016)

Presented by Representative MAREAN of Hollis. Cosponsored by Senator HOBBS of York, Representative FARRINGTON of Gorham, Senator DIAMOND of Cumberland, Representative MOORE of Standish, Representative ROBINSON of Raymond, Senator COURTNEY of York, Representative SARTY of Denmark.

On **OBJECTION** of Representative MAREAN of Hollis, was **REMOVED** from the Special Sentiment Calendar. **READ** and **PASSED** and sent for concurrence.

**Recognizing:**

Matt Spearin, of Limington, on his receiving the Gerry Raymond Award. The Gerry Raymond Award is given to the player who is voted by the league coaches to be the best lineman in the Southern Maine Athletic Association. Matt helped the Bonny Eagle football team to achieve a 34-14 win in the Class A State Championship. We extend our congratulations to Matt on this outstanding accomplishment and offer our best wishes for continued success;

(HLS 1017)

Presented by Representative MAREAN of Hollis. Cosponsored by Senator DIAMOND of Cumberland, Senator HOBBS of York, Senator COURTNEY of York, Representative SARTY of Denmark, Representative MOORE of Standish,

Representative ROBINSON of Raymond, Representative FARRINGTON of Gorham.

On **OBJECTION** of Representative MAREAN of Hollis, was **REMOVED** from the Special Sentiment Calendar.

**READ** and **PASSED** and sent for concurrence.

**Recognizing:**

Nate Doehler, of Buxton, who has been selected as the *Maine Sunday Telegram* Most Valuable Player in high school football. Nate is currently a junior at Bonny Eagle High School. In his position as quarterback this season, he rushed for more than 1,000 yards and passed for more than 1,000. In the State Class A Championship game, he scored two touchdowns and passed for one more touchdown to help Bonny Eagle win the game. Nate also put his punting and place-kicking skills to use when he kicked three field goals and made 55 extra points this season. He scored 184 points and had a 35.5-yard punting average. We extend our congratulations to Nate on this outstanding accomplishment and offer our best wishes for continued success;

(HLS 1018)

Presented by Representative MAREAN of Hollis. Cosponsored by Senator DIAMOND of Cumberland, Senator HOBBS of York, Senator COURTNEY of York, Representative MOORE of Standish, Representative ROBINSON of Raymond, Representative FARRINGTON of Gorham, Representative SARTY of Denmark.

On **OBJECTION** of Representative MAREAN of Hollis, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The SPEAKER: The Chair recognizes the Representative from Hollis, Representative Marean.

Representative **MAREAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Good morning. It is with great pleasure, pride, and enthusiasm, that I present these four sentiments on behalf of the full House of Representatives, to the students of the Bonny Eagle High School football team and coaches.

I am proud to represent SAD #6, home of the Bonny Eagle Scots, along with the good Representative from Gorham, Representative Farrington; the good Representative from Standish, Representative Moore; the good Representative from Raymond, Representative Robinson; and the good Representative from Denmark, Representative Sarty.

I, personally, myself, with my grandson, attended all of the away games, but when the team played at home, my wife Linda and I volunteered to work in the concession stand to help the Boosters raise money to support the football team. I can tell you that this season was probably one of the most exciting seasons that I have seen, and certainly one of the most exciting seasons the school has seen in awhile. They had a remarkable record of 12-0, and went on to win the Class A State Football Championship.

There are a couple of outstanding players on the team that received special recognition for their achievements. Nate Doehler, a junior and quarterback, passed for 20 touchdowns and rushed for more than 1,000 yards. Nate is also a track star, and he was selected by the *Maine Sunday Telegram* as the Most Valuable Player for the high school football, and will be honored in June at their All-Sports Banquet for his outstanding achievements.

Matt Spearin, a senior of Limington, a lineman, was awarded by the league's coaches to be the best lineman in the Southern Maine Athletic Association, and will receive the Gerry Raymond Award. Matt was a huge asset to his team and that is for sure.

Coach Kevin Cooper has led the team to three state championships in the last four years. Coach Kevin Cooper was named Mike Landry Coach of the Year, and he has just finished his tenth year of coaching at Bonny Eagle High School and has accomplished the dream of most coaches, and they would have loved to achieve the same as he has. Not only has he had three State Class A titles, but he also got his team to the playoffs seven times out of ten. Congratulations to you, Coach Cooper, and to your team for a job well done.

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

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**REPORTS OF COMMITTEE**

**Refer to the Committee on Natural Resources  
Pursuant to Public Law**

Representative KOFFMAN for the **Joint Standing Committee on Natural Resources** on Bill "An Act To Expand the Natural Resources Protection Act Compensation Program" (H.P. 1589) (L.D. 2223)

Reporting that it be **REFERRED** to the Committee on **NATURAL RESOURCES** pursuant to Public Law 2007, chapter 290, section 17.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **NATURAL RESOURCES**.

Sent for concurrence.

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**Refer to the Committee on Insurance and Financial Services  
Pursuant to Resolve**

Representative BRAUTIGAM for the **Joint Standing Committee on Insurance and Financial Services** on Bill "An Act To Require Legislators and Their Dependents To Be Enrolled in Dirigo Health" (H.P. 1590) (L.D. 2224)

Reporting that it be **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** pursuant to Resolve 2007, chapter 112.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**.

Sent for concurrence.

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**Divided Report**

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-410)** on Bill "An Act To Amend the Laws Regarding School Funding" (EMERGENCY) (S.P. 741) (L.D. 1932)

Signed:

Senators:

BOWMAN of York  
MITCHELL of Kennebec  
MILLS of Somerset

Representatives:

NORTON of Bangor  
FINCH of Fairfield  
MAKAS of Lewiston  
FARRINGTON of Gorham  
HARLOW of Portland  
SUTHERLAND of Chapman  
STRANG BURGESS of Cumberland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-411)** on same Bill.

Signed:

Representatives:

EDGECOMB of Caribou  
McFADDEN of Dennysville  
MUSE of Fryeburg

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-410) AS AMENDED BY SENATE AMENDMENT "D" (S-419)** thereto **AND SENATE AMENDMENTS "B" (S-420) AND "C" (S-430)**.  
**READ.**

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

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Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-688)** on Resolve, To Direct the Department of Inland Fisheries and Wildlife To Allow Maine Residents To Register Their Watercraft Online (H.P. 1474) (L.D. 2088)

Signed:

Senator:

BRYANT of Oxford

Representatives:

FINCH of Fairfield  
EBERLE of South Portland  
WHEELER of Kittery  
LUNDEEN of Mars Hill  
BRIGGS of Mexico  
SARTY of Denmark

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

Signed:

Representatives:

JACKSON of Allagash  
McLEOD of Lee

**READ.**

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

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-688)** was **READ** by the Clerk and **ADOPTED**. The Resolve was assigned for **SECOND READING** Thursday, February 28, 2008.

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Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** and the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-689)** on Bill "An Act To Protect Inland Water Access" (H.P. 1294) (L.D. 1858)

Signed:

Senators:

BRYANT of Oxford  
NUTTING of Androscoggin

GOOLEY of Franklin

Representatives:

JACKSON of Allagash  
 SAVIELLO of Wilton  
 FINCH of Fairfield  
 EBERLE of South Portland  
 WHEELER of Kittery  
 LUNDEEN of Mars Hill  
 BRIGGS of Mexico  
 SARTY of Denmark  
 CARTER of Bethel  
 MAREAN of Hollis

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

Signed:

Senator:

ROTUNDO of Androscoggin

Representatives:

PIEH of Bremen  
 McLEOD of Lee  
 RICHARDSON of Carmel

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-689)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, February 28, 2008.

**CONSENT CALENDAR**

**First Day**

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

(S.P. 755) (L.D. 1961) Bill "An Act To Repeal the Ban on the Sale and Furnishing of Hard Snuff" (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-423)**

(H.P. 1408) (L.D. 2024) Bill "An Act To Clarify the Licensure of Advanced Practice Registered Nurses" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-694)**

(H.P. 1521) (L.D. 2141) Resolve, Regarding Legislative Review of Portions of Chapter 3: Provision of Enhanced E-9-1-1 Access-only Service, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-693)**

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 items appeared on the Consent Calendar for the Second Day:

(S.P. 691) (L.D. 1897) Bill "An Act To Allow Blended Sentencing for Certain Juveniles" (C. "B" S-415)

(H.P. 360) (L.D. 461) Bill "An Act To Implement the Recommendations of the Human Trafficking Task Force" (C. "B" H-686)

(H.P. 1374) (L.D. 1940) Bill "An Act To Assist Distressed Businesses Organized as Limited Liability Companies" (EMERGENCY) (C. "A" H-685)

(H.P. 1382) (L.D. 1946) Bill "An Act To Address Uncertified Practice of Underground Oil Storage Tank Installation and Inspection" (C. "A" H-692)

(H.P. 1445) (L.D. 2061) Bill "An Act To Clarify the Qualifications of Installers under the Solar Energy Rebate Program" (EMERGENCY) (C. "A" H-691)

(H.P. 1465) (L.D. 2079) Bill "An Act To Strengthen the Crime of Visual Sexual Aggression against a Child" (C. "A" H-690)

(H.P. 1522) (L.D. 2142) Bill "An Act To Amend the Law Governing Antlerless Deer Permits" (C. "A" H-687)

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

**UNFINISHED BUSINESS**

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

Expression of Legislative Sentiment in Memory of the Honorable Earl E. Richardson, Sr., of Greenville

(HLS 925)

TABLED - January 2, 2008 (Till Later Today) by Representative TARDY of Newport.

PENDING - **ADOPTION.**

The SPEAKER: The Chair recognizes the Representative from Greenville, Representative Johnson.

Representative **JOHNSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It was my distinct pleasure to work with Earl for several years. In Greenville, he was a giant in our community. As you have heard, he held every post that is significant there.

My association with Earl started in the American Legion in Greenville, and as in many small communities, the American Legion is one of the centers of the community along with the school. Earl attended every significant veteran's event that occurred during that period of time. He was a veteran of World War II and of the Korean conflict, which is indicative of the type of public servant that he was. It was a great honor to know him, and he held his office meetings on the shores of Moosehead Lake, and his cable company; and then the Boom Chain Restaurant, you could find him there almost anytime he was in town.

One of the times I went to ask his counsel, I noticed that he had a picture of himself during one of his tours as a legislative Representative, and it was a picture of him holding a bear cub out in the winter. I asked Earl: "What happens if the mother wakes up?" He said, "Well, I can still run." He was a great mentor, a great citizen of Greenville, and it is certainly an honor to follow him as the Representative from District 27.

The SPEAKER: The Chair recognizes the Representative from Dover-Foxcroft, Representative Annis.

Representative **ANNIS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I knew Earl for about 10 years; helping him get started in his campaign, as a supporter, and eventually becoming a state Representative

myself. I sat beside him for six years and although he was a quiet person, he never really said anything on the floor of the House, he had his ways, and I always asked for his interpretation of various bills that I really had some concerns with. On some occasions, we all send out the questionnaires to our constituents and Earl would say to me "Why did you vote that way?" I said, "Earl, because my constituents want me to vote that way," and sometimes I could convince him to go along with me.

He had the highest of integrity; his commitment to his constituents was overwhelming. Some of the fun times I remember were during the parades that we used to do during campaign seasons, celebrating various holidays, and on one occasion, in Greenville, he rode a bicycle around the parade route; always marching and supporting me in the Dover-Foxcroft parades, and I was supporting him in his Greenville parades. We shared a booth at the Piscataquis Valley Fair and we got to talk a lot, and Earl had a lot to say at that point in time and made, as far as I am concerned, made me a better Representative for my people.

It was an honor to know him and his wife Avis; we stayed at the same motel and went out for supper quite often. They were wonderful people and somebody that I admire and will always admire. Thank you, Earl, for being a friend.

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. I, too, want to honor the memory of Earl Richardson this morning. Actually, I probably knew his son who is a weekly tennis partner, and his grandson who was a student in my class, better than I knew Earl and Avis themselves.

But my first knowledge of Earl: He was the cable guy. Now, that phrase does not really make an accurate picture of how you might think of Earl today, but the fact of the matter was he was an entrepreneur, he had a partner, and he was humble at that because we had cable, I later discovered, very early in Greenville, Maine. As a matter of fact, when I left Greenville in 1981 to go to Kennebunk, I assumed I was going from the Maine wilderness to the civilization of Maine. It turned out that I had had cable for many years in Greenville; I went to Kennebunk and had to wait almost two years to get HBO.

I am pleased to speak and to honor Mr. Richardson today, and I thank you, Mr. Speaker.

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

Representative **JACKSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I certainly, when I think of Mr. Richardson, I don't think of him as the cable guy and that kind of surprises me. The cable guy, to me, is Jim Cary in that crazy movie and Earl was not anything at all like that. I sat along side him in Inland Fisheries for two years, and I served with him on that committee for three all told, and the two years that I sat along side him, I enjoyed it a lot. He reminded me a lot of my grandfather. He didn't say much but when he said something you wanted to listen because you were waiting for the great words of wisdom that he did have.

I saw him and his wife around Augusta, here. They stayed down as I did a lot; out to dinner. They seemed to be a very content pair and the type of couple that everyone probably wishes that they had with their significant other. Earl was just a great man, and we certainly miss him in Inland Fisheries, and I am sorry to the family and thank you very much.

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, too, would like to rise to acknowledge the loss of a dedicated public servant and a great friend.

Earl Richardson was certainly a quiet, compassionate person and a very confident legislator. I came into the Legislature and he was here and I got to learn a lot from him. He was a local businessman in Piscataquis County, he had an abundance of business knowledge, and he really understood the impact of the policies that we made here in Augusta, how those policies would impact a local businessperson.

You know, for those of you who do not know, he was a veteran of political races. He was involved in four of five epic political battles, one of which he was going through treatment, battling cancer. As I used to go up to the Moosehead Region, previous to me even becoming part of this legislative process, you would always see that trademark Earl Richardson sign, and he developed this brand, this political brand: Earl Richardson, he's a worker. If there was ever a political label that was the truth, it was Earl Richardson. I mean, Representative Johnson talked about all that he did. If there was any Representative who was worried about property taxes in the Moosehead Lake Region, it was Earl Richardson, because we always joked that he owned all of Moosehead Lake. He was just one of those guys, when you went up Pritham Avenue, you would see various small businesses, after small business, that Earl Richardson was either a part of or had been a part of and had helped.

He was dedicated to all of his businesses, he was dedicated to his family, and he was dedicated to his legislative service. He, as Representative Jackson has alluded to, he did not speak much but that did not mean that he did not understand everything that went forward in the legislative process. He was just a very, very highly intelligent person, a man of few words, but I agree that when he spoke, people really did need to listen.

You know, Earl was actually a cancer survivor several times and he was diagnosed again about a year ago. He was so dedicated that he made arrangements to have his treatment take place here in Augusta, he and his wife Avis essentially moved in on a full-time basis to the Best Inn, and while he was not here much in his last term physically, he was actually always watching on the internet and he happened to know the number to the corner, he happened to know the number to Heather, his legislative aide who he was particularly close to, and he would always offer his comments, always constructive, always supportive, and actually he had a great sense of humor.

Three or four years ago, to illustrate his sense of humor, it was during a summer political function, I had the honor of going up to Moosehead Lake to an event that he was hosting: It was a lobster bake on the lake. Earl Richardson, who is always the great and gracious host up on Moosehead Lake, gave me a plane ride on his floatplane, and on this particular floatplane on that day, it was myself, former Senate Leader Paul Davis, and, at the time, Assistant Leader and former Republican Leader, David Bowles. So the three of us get up in the plane, in this 1964 plane with Earl Richardson, who was not necessarily young at that time, and we go up over Moosehead Lake and he took great delight in showing us the landmarks of some of the more historic crash landings that took place on the lake.

When I think of Earl Richardson, I do think of his sign: Earl Richardson, he's a worker. Those of us who had the privilege of knowing him are very grateful for his friendship. We should all, as a state, be grateful for his leadership. We are going to miss Earl. He was certainly a very powerful man with a quiet demeanor and Maine has lost a great servant. Thank you.



At this point, the Members of the House stood and joined in a moment of silence in honor of the Honorable Earl E. Richardson, Sr., of Greenville.

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

Representative PINGREE of North Haven assumed the Chair.

The House was called to order by the Speaker Pro Tem.

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

**UNFINISHED BUSINESS**

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

An Act Regarding Occupational Safety and Health Training for Workers on State-funded Construction Projects

(H.P. 458) (L.D. 591)  
(C. "A" H-635)

TABLED - February 25, 2008 (Till Later Today) by Representative TUTTLE of Sanford.

PENDING - **PASSAGE TO BE ENACTED.**

The **SPEAKER PRO TEM:** The Chair recognizes the Representative from Hampden, Representative Duprey.

Representative **DUPREY:** Thank you Madam Speaker. Madam Speaker, Men and Women of the House. I would urge you to vote against the pending motion. It is kind of hard to speak after what we just went through with Earl Richardson, so I am a little broken up so I will try to get through this, so it is not because I am broken up over this bill.

As I have said before, I had the same debate and I do not want to rehash what I debated last time on this bill, but I would like to bring up a few points that may be we have not covered yet. My first term here in the Legislature, I really did not get along with the other side very well. If anybody is here in their last term, they can probably vouch for that. I did not have a really good reputation as one who liked to work with the other side; I was kind of a jerk; people did not like me and I did not like them, because I figured you guys were not that nice because you did not agree with me. Well, a lot has changed over the last eight years. I have learned to work with the other side; I found out you get a lot more done that way. And as I have become friends with some you guys, close friends with many of you, you are not that bad after all, and I think your opinion of me probably has changed as well.

When I got on the Labor Committee four years ago, it took a lot of arm-twisting by our leader to get me on the Labor Committee, because I know how hard and contentious and what a partisan bickering committee that is. I looked forward to the challenge, and the first thing I did was to forge a bond with Senator Strimling, which I did; and Representative Smith, who is not here, from Van Buren at the time. We decided that we would work together in the spirit of bipartisanship, sort of like what this Chamber has done in the past on certain issues, and we have taken 130 bills this session, last session we had a similar result, and we have had only two party line votes out of 130 something bills which is unheard of in the history for the Labor Committee. I dare to say that any committee this year probably had a lot more

party line votes than that.

How did we do that? We did it by working together, finding common ground on bills, finding things that we could agree on, and working towards the center. We would give a little bit on some things; they would give a little bit on some things. That is how compromise works and that is how the two-party system is supposed to be designed. The OSHA 10 bill that is in front of you today is a dangerous bill as far as cost wise for the private sector, which could probably mean lots of jobs or lots of road construction not being done. So it was a very important bill for us to defeat, like we have in the last four sessions, we have defeated this. The last three sessions, the 120th, 121st, and 122nd, it was all party line votes and it was still able to be defeated. Even in the 122nd, we were in the one seat minority, and that bill was still defeated.

This year, I was able to get a 10-2 Report Ought Not to Pass out of committee during the First Session of the 123rd, and it was sent back to committee because special interests worked really hard to get it back to committee, where it came out an 8-4 Ought Not to Pass, a bipartisan Ought Not to Pass bill. Now in committee, I do not want to be pointing fingers here, but in committee, we had a deal. The deal was the Republicans would give the other side a couple different bills—we would vote for their bills in exchange for killing the OSHA bill, which we agreed to, and I think we passed two or three different Democrat bills. Well, needless to say, special interests worked really hard and I gave some of these details when I had floor debate, and I won this bill 85 to something, I won by 35 votes just a couple of weeks ago, and I have not had to bring up any of this stuff because I did not want to.

But over the weekend, over the February vacation, the special interests worked hard and that is the one bad thing about term limits, special interests run this place, and they were able to talk 50 people into changing their vote on something that really had not changed a bit since, so the compromising good nature of my goodwill now is really subject to, I do not feel like I can trust the other side because I feel like I have been let down. It has put a taste in the mouth of the Committee members that are going to precede me, when I am not in the Committee anymore, that negotiating in good faith might not be a good idea because you might end up giving more than you get in return. I have been told by members of my own caucus that you should not be compromising on bills in the Labor Committee. I still think it is a good idea, but if I lose this vote and I am not looking for sympathy here at all, and if you feel like you have been whipped in to voting for this, you go ahead and do that and make sure your conscience is clear. But sometimes when your leaders decide to take a stand on an issue, hopefully you will support them.

The bill in front of you has nothing to do with safety; has everything to do with leveling a playing field for unions, when it has to do with bidding state contracts. That is all it is period. Union workers are mandated to take this OSHA course and so are state employees and they have a much higher injury rate than the private sector. So being a statistician, anybody could judge that if you take this OSHA 10 course, you are much more likely to be injured. You can make statistics work anyway you want and if you look at statistics, a handout from Representative Patrick will give you statistics on safety; you can make numbers do anything you want. I had a handout in last session that showed that state workers who take this course have a much higher injury rate than workers who do not in the private sector, and those are from the Department of Labor statistics so one has nothing to do with the other. A person who digs a ditch does not need to know about crane safety. Why should a private sector

employer have to pay for that course? It can cost up to \$1,000 an employee, to send them to this course and to pay them for the day, and he has lost productivity of that worker for that day—\$1,000 per employee. If you have 100 employees, that is a huge cost that gets back down to the taxpayers of Maine when you go to bid a project.

But please, Ladies and Gentlemen, I urge you to vote against the pending motion; let's honor commitments made; and I know people can change hearts over time, but after we have given so much, we kind of feel let down. Please leave the future Labor Committee members with a good taste in their mouth that we can work together in the future. Madam Speaker, I ask for a roll call.

Representative DUPREY of Hampden **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 PRO TEM**: The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Thank you Madam Speaker. Madam Speaker, Men and Women of the House. I do share the comments of Representative Duprey: I think we have all been very happy and very proud of the Labor Committee for its consensus building this year. I think it is something that in my tenure, I have not seen and it has truly been remarkable, and I do apologize to Representative Duprey.

I guess we all make mistakes and sometimes in the quest to gain consensus as a chair of a committee, certain issues slip by in order, in attempt to reach balance. This happened on this bill, on the OSHA 10 bill, and I do apologize to the Committee and this body as a whole, but I guess that we are all human. I do not know if it will make any difference, or change anybody's vote, but I have reassessed my position on this issue based upon new evidence and information that I have received.

This bill is passed in New Hampshire, and based upon recent information; it is being passed in the State of Vermont in some form. As Chair of the Committee, I feel it would be a mistake if we did not do the same in Maine. We would be the only state in New England without the OSHA 10 law. My understanding from written testimony that we have received from the Department of Transportation, does require the 10 hour certification for all of its fieldworkers and since instituting this requirement, they have seen a 14 percent decrease in workers' compensation costs. For that reason, I will be supporting the motion to Enact and ask that you would do the same, and I would say that a workplace can never be too safe. Thank you, Madam Speaker.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Representative **JACKSON**: Thank you Mr. Speaker. Madam Speaker, Ladies and Gentlemen of the House. Just to be clear, Representative Duprey has been a fine lead on the Labor Committee, but I wanted to make clear that I had never agreed to anything. I was one of the original two people who voted to keep this bill alive. As far as any deals that we cut or anything like that, I cannot speak to him. I was just a member on the Committee that felt this was a bill that I wanted to keep alive.

Long before I was a Democrat, I was for labor; long before I was a Republican, I was for labor. I have always been for labor, this is a labor bill, and that is why I voted for it. Thank you.

Representative RINES of Wiscasset **REQUESTED** that the Clerk **READ** the Committee Report.

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

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Berwick, Representative Burns.

Representative **BURNS**: Thank you Madam Speaker. Madam Speaker, Men and Women of the House. I would also like to make it clear that in my committee, I never agreed to kill

this bill for any reason. I would never compromise the safety of working people for anything that I can imagine, and clearly this is a bill about worker safety.

We heard testimony from people who said that as safety consciousness rose, workers' compensation costs reduced; injuries were less frequent, not more frequent. Safety training is important. I think intuitively, we all know that to be true, but regardless, what does this bill do?

There are companies out there that want to do business with the State of Maine. This bill says that for those companies that contract with us to do work for \$100,000 or more, must meet this standard, this safety standard. There are large companies out there that already meet this standard, they value when they hire their workers, and the testimony bore this out in committee. If they have a choice between a candidate who has OSHA 10 or OSHA 30 training, they favor that candidate that does have it, for the simple reason that it serves their interest. Hiring their employee who has OSHA 10 training means they are going to pay less in workers' compensation insurance; it means that they are going to have to worry less about the health and welfare of their employees; it just makes common sense to them that they would do that.

Would this bill, as we pass it, prevent companies who do not meet this standard from competing with those that do? Yes, it would and it should, we should have standards. We are a body social and we should have standards. We are a paying customer; we should have standards and the people who we do business with should meet them, so this bill really does not do anything except set a standard. Companies that have already met it will bid with us for work; companies that do meet the standard will have to make a decision: If the marketplace says that I need to meet this standard in order to do business in it, then they need to meet the standard. This is the marketplace speaking; it is not the Legislature, it is the marketplace. We, speaking as a Legislature, on behalf of the people of the State of Maine, whose money it is we spend. This will not drive up any cost because there are companies out there that already meet this standard, they already meet the standard and it is not going to cost them a penny more, but it will shut the door to people who do not have and value safety training. I ask you to support this effort, to continue to support it as you have all along. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Ripley, Representative Thomas.

Representative **THOMAS**: Thank you Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I sit on both Labor and Transportation, and I think we all know what a struggle it is in Transportation to find enough money to keep our roads fixed. Is there a member of this body that does not have a road or a bridge in their district that does not need to be fixed? This is going to increase the cost to fix those roads, we only have a limited amount of money, that means fewer roads and bridges are going to be fixed and it may end up being one in your district. Thank you.

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

Representative **PATRICK**: Thank you Madam Speaker. Madam Speaker, Men and Women of the House, Colleagues, and Friends. I rise in support of the enactment of this piece of legislation, and I would like to reiterate what the good Representative Burns had said. People are asking for our business and we are the ones that have the money that are doing this.

I had one incidence in my life where I had to take a look at, was I willing to make a sacrifice? I actually worked out of Bath Ironworks, which was a 65-mile drive from my house, and I had

an opportunity to get a job closer to home and an employer said to me "If you want to work for me, you have to become state certified," and I am a welder, I was not state certified. So just like this safety training where you have to do something in order to qualify, it took me a couple of weeks to learn the type of welding in order to pass the state certification—open butt, open root, 7018 welding which I was not familiar with. It cost me a couple of weeks of time, energy and effort, and around \$1,000 of my own money because, I, as a union worker at Bath Ironworks, wanted to go to work for a nonunion company in Rumford.

There are times when if you want something of value, you have to spend the time, energy, and effort. For the sake of safety, employers have stated that they would hire, if all things were equal to both employees and one had the OSHA 10 training, they would take that person with OSHA 10 training. Why would they do that? Because 60 or 70 percent of the major contractors in the State of Maine are already OSHA 10 trained. The vast majority of them are already OSHA trained, and all they have to do it have the Department of Labor access their program and they probably will not even have to retrain them if they do not actually have OSHA 10 training because a lot of them meet that standard or greater. We are not asking them to go above a standard; we are asking to set a minimum standard of training.

There is always that said that they have already done similar training; well, if they have, they will get the credit for it. I do not want anyone to have to spend a dime more than they have to, but I will tell you that out of thousands of construction workers in the State of Maine—there are 30,600 or something like that—I do not want to see any more injuries in the State of Maine.

In 2003, Maine was ranked the highest out of 45 companies that report at occupational injuries; the first out of 45 that do the reporting. It is awful funny how our neighbor states—Rhode Island, Connecticut, Massachusetts, and New Hampshire—passed this. A lot of people that were against this, people here in the State of Maine, those same organizations in the other states embrace. As a matter of fact, some of these companies, major outfits, the Associated Contractors or whatever they were, actually make money at OSHA 10 training. They train their people already in New Hampshire, Rhode Island, Connecticut; they actually make money training the trainer and training other construction workers.

No one wants to have one dime go away from their roads and bridges, but is this about profit? If it is about profit, have more training and you will save money on your workers' comp. This is about securing a minimum standard where we are saying as the State of Maine, the policy we want to set, meet a minimum standard and once you have met that standard, you don't ever have to go back. My OSHA 30 certificate I have on my desk is dated 1997 and that will be good for the next 30 years. Will my company continue to train me? I hope so, because I am a more valuable employee to them. I would ask you to please enact this piece of legislation and keep us from being the only state in New England not have this. Thank you, Madam Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Hampden, Representative Duprey.

Representative **DUPREY**: Thank you Madam Speaker. Madam Speaker, Men and Women of the House. I rarely rise a second time; I just wanted to clarify a few points.

First of all, training does not equal safety. Applying what you learned in a training course makes you safer. A certificate in your pocket does absolutely nothing to make you a safer worker, period. You can have 100 certificates on the wall, spend 100 hours a week in training for eight years and unless you apply what you learned in there, you will not be a safer worker.

Now, of course a company would hire somebody who has an

OSHA 10 certificate over somebody who does not; why? Because that is \$1,000 the employer does not have to spend to send someone else to the course. It is a no-brainer that I would hire somebody over that. Does that mean they are a safer worker? No, it means I am going to save a few bucks having to send them to that course. It is a no-brainer. It has nothing to do with if they are a safer worker or no. How do we know they are a safer worker?

The private sector is all about profit. There you go; I said it: Profit. We buy workers at wholesale and sell them at retail. We are all about profit, and guess what? Workers' comp costs are expensive. If we do not have the safest workplace in the private sector, it costs is lots of money. So it we thought in the private sector, and I used to work construction so I know this very well, if we thought this would make a safer workplace, we would do it because it would save us so much money in workers' comp costs. It would be a no brainier. Some companies do, do this, and that is fine, but why have the government make you do something? Dollar drives private business, especially when there are not many dollars now and there is a lot more competition from out of state companies coming here to compete on our jobs. We are chasing the dollar. If it was safer, we would do it. But if you are digging a ditch, you sure as heck do not need to know about crane safety, that is the bottom line. Why should I spend \$200, \$500, \$1,000, whatever the cost is, to pay somebody to train something that they may never do?

The biggest part of this bill that has a problem, let's just say there is a road construction job in you area and all of the sudden there is a change and they need to hire a few more workers; more jobs. All of the sudden they cannot hire these workers because they do not have OSHA 10 training, so they have to wait a couple of weeks for the next course to come up. Of course, once we pass this bill, there is going to be a line of classes, weeks, months, backlogs, delays; it is going to be so long to get these people in that they are not going to be able to be trained. All of the sudden, now we cannot hire these people to do that, and all of the sudden the road project gets delayed because we have to wait to get these workers trained, because the bill says that you cannot have anybody on that job site, not a single soul that does not have OSHA 10, so it is going to slow development, it is going to hinder us in hiring jobs, and hinder us for getting projects done. It really is a bad piece of legislation. Thank you.

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

Representative **JACKSON**: Thank you Mr. Speaker. Madam Speaker, Ladies and Gentlemen of the House. Again, a couple of quick things. One of the ways that construction companies can get around that would be to send a person to take the training, come back and then they could train any worker that they hire in the future. There would be one person that would have to go out to the Department of Labor and get the training, then anyone who came to apply for a job there could receive the training from that employee that is already at the company.

As far as other construction companies coming in and stealing it, well we are the only state now that does not do this, so all those workers coming in would be already trained in OSHA 10.

Again, like I said in the last debate, I believe this is more an issue of the subcontractors. I think that most certainly all the people that testified against the bill said that their workers already had training, that they wanted training, training was a good thing. I think when it trickles down to subcontractors though, a lot of these people do not know if they are trained. I know that logging is a lot like the construction industry, and I was a subcontractor in logging for a long time and I can remember going into contractor

offices and them reaching in and pulling out a paper asking me to sign it that said that I showed them my workers' comp certificate. Well, I never showed them and I did not have workers' comp, so I think there are some games that could probably be played here, but if we pass this bill they could certainly train someone on their own staff, and they could be trained and any new workers that came on the site, I do not think it would be the sky is falling issue that we hear. If it saves a couple of peoples lives then I cannot see what would be wrong with that.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Passage to be Enacted. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 215**

YEA - Adams, Babbidge, Beaudoin, Berry, Blanchette, Bliss, Boland, Brautigam, Briggs, Bryant, Cain, Campbell, Canavan, Carey, Casavant, Clark, Cleary, Connor, Craven, Crockett, Duchesne, Dunn, Eaton, Eberle, Faircloth, Finch, Fischer, Fisher, Gerzofsky, Grose, Harlow, Hayes, Hinck, Hogan, Jackson, Jones, Kaenrath, Koffman, Lundeen, MacDonald, Makas, Mazurek, Miller, Mills, Miramant, Patrick, Pendleton, Peoples, Percy, Pieh, Pingree, Piotti, Pratt, Priest, Rand, Rines, Silsby, Simpson, Sirois, Sutherland, Theriault, Treat, Trinward, Tuttle, Wagner, Watson, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Beaudette, Beaulieu, Berube, Browne W, Carter, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Driscoll, Duprey, Edgecomb, Emery, Farrington, Finley, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Hamper, Hanley S, Hill, Jacobsen, Johnson, Joy, Lansley, Lewin, McDonough, McFadden, McKane, McLeod, Millett, Moore, Muse, Nass, Pilon, Pinkham, Plummer, Prescott, Rector, Richardson D, Richardson W, Robinson, Rosen, Samson, Sarty, Savage, Saviello, Schatz, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Vaughan, Weaver, Woodbury.

ABSENT - Barstow, Blanchard, Burns, Conover, Dill, Haskell, Knight, Marean, Marley, Norton, Perry, Pineau, Smith N, Valentino, Walker.

Yes, 70; No, 66; Absent, 15; Excused, 0.

70 having voted in the affirmative and 66 voted in the negative, with 15 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

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**SENATE PAPERS**

Bill "An Act To Amend the Laws Governing the State's Cash Investment Policies"

(S.P. 858) (L.D. 2226)

Came from the Senate, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

**REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in concurrence.

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Bill "An Act To Amend the Laws Governing Reports Related to Natural Resources"

(S.P. 862) (L.D. 2230)

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

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

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Bill "An Act To Provide Tax Relief to Maine's Forest Products Industry" (EMERGENCY)

(S.P. 857) (L.D. 2225)

Resolve, To Provide a Rebate of Diesel Fuel Taxes Paid by Maine's Forest Products Industry (EMERGENCY)

(S.P. 860) (L.D. 2228)

Bill "An Act To Expand the Economic Development Benefit of Tax Increment Financing in Counties That Include Unorganized Territories"

(S.P. 861) (L.D. 2229)

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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**REPORTS OF COMMITTEE**

**Ought to Pass Pursuant to Joint Order**

Report of the **Joint Standing Committee on Judiciary** on Bill "An Act To Repeal Certain Confidentiality Provisions in the Child Protective Laws" (EMERGENCY)

(S.P. 863) (L.D. 2233)

Reporting **Ought to Pass** pursuant to Joint Order, S.P. 820.

Came from the Senate with the Report **READ** and **ACCEPTED** and the **NEW DRAFT PASSED TO BE ENGROSSED**

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

The Bill was **READ ONCE** and was assigned for **SECOND READING** Thursday, February 28, 2008.

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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 11:40 a.m., until 10:00 a.m., Thursday, February 28, 2008 in honor and lasting tribute to Robert F. Jardine, Sr., of Millinocket and the Honorable Earl E. Richardson, Sr., of Greenville.