

# 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  
31st Legislative Day  
Tuesday, March 25, 2008

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

Prayer by Reverend Harold Churchill, First United Pentecostal Church, Lewiston.

National Anthem by Danielle Taylor, Lewiston.

Pledge of Allegiance.

The Journal of Thursday, March 20, 2008 was read and approved.

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**SENATE PAPERS**

**Non-Concurrent Matter**

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Guarantee the Integrity of the Highway Fund

(H.P. 1209) (L.D. 1726)

Majority (10) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TRANSPORTATION READ** and **ACCEPTED** and the **RESOLUTION PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-755)** in the House on March 19, 2008.

Came from the Senate with the Minority (3) **OUGHT NOT TO PASS** Report of the Committee on **TRANSPORTATION READ** and **ACCEPTED** in **NON-CONCURRENCE**.

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

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**COMMUNICATIONS**

The Following Communication: (H.C. 488)

**STATE OF MAINE**

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

March 18, 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 out "Ought Not to Pass":

H.P. 1512 Joint Order, establishing the Committee to Review Issues Concerning the Protection of Emergency Medical Services Personnel

We have also notified the sponsor 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**.

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The Following Communication: (H.C. 489)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE  
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

March 20, 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 Insurance and Financial Services has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1687 An Act To Increase Health Insurance Coverage for Front-line Direct Care Workers Providing Long-term Care

L.D. 2224 An Act To Require Legislators and Their Dependents To Be Enrolled in Dirigo Health

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

Sincerely,

S/Sen. Nancy B. Sullivan

Senate Chair

S/Rep. John R. Brautigam

House Chair

**READ** and **ORDERED PLACED ON FILE**.

---

The Following Communication: (H.C. 490)

**STATE OF MAINE**

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

March 20, 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 bill out "Ought Not to Pass":

L.D. 2037 An Act To Provide Support for At-risk Youth

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

Sincerely,

S/Sen. Barry J. Hobbins

Senate Chair

S/Rep. Deborah Simpson

House Chair

**READ** and **ORDERED PLACED ON FILE**.

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The Following Communication: (H.C. 491)

**STATE OF MAINE**

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

March 18, 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. 2094 An Act To Protect Personally Identifying Information  
L.D. 2115 An Act To Limit Liability for Businesses and Employees Who Work with Liquefied Petroleum Gas

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.**

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The Following Communication: (H.C. 492)  
**SENATE OF MAINE  
123RD LEGISLATURE  
OFFICE OF THE PRESIDENT**

March 21, 2008  
Honorable Millicent M. MacFarland  
2 State House Station  
Augusta, ME 04333

Dear Clerk MacFarland:  
Pursuant to my authority under Senate Rule 201.3, I am reinstating Senator Peggy Rotundo of Androscoggin as Senate Chair of the Joint Standing Committee on Appropriations and Financial Affairs, effective immediately.

Sincerely,  
S/Beth Edmonds  
President of the Senate

**READ and ORDERED PLACED ON FILE.**

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**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

Bill "An Act To Reduce the Percentage of the Cost of Local Schools Paid by the State from 55% to 49%" (EMERGENCY) (H.P. 1638) (L.D. 2272)

Sponsored by Representative JOY of Crystal.  
Cosponsored by Representatives: ANNIS of Dover-Foxcroft, AYOTTE of Caswell, CURTIS of Madison, GIFFORD of Lincoln, JOHNSON of Greenville, RICHARDSON of Carmel, THOMAS of Ripley, Senator: PLOWMAN of Penobscot.

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

Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and ordered printed.

**REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

Sent for concurrence.

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

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**ORDERS**

On motion of Representative BABBIDGE of Kennebunk, the following Joint Resolution: (H.P. 1637) (Cosponsored by President EDMONDS of Cumberland and Representatives: BEAULIEU of Auburn, BRAUTIGAM of Falmouth, CLARK of Millinocket, FARRINGTON of Gorham, FINCH of Fairfield, HILL of York, MAZUREK of Rockland, NORTON of Bangor, SIMPSON of Auburn, SIROIS of Turner, SMITH of Monmouth, TRINWARD

of Waterville, Senators: BARTLETT of Cumberland, BOWMAN of York, MARTIN of Aroostook, NASS of York)

**JOINT RESOLUTION IN SUPPORT OF CIVIC EDUCATION**

WHEREAS, it is in the interest of the State and the United States of America that civic education be promoted, as civic education is the cultivation of the virtues, knowledge and skills necessary for political participation and the development of competence and motivation to engage actively in community issues; and

WHEREAS, civic education prepares the people of a country, especially the young, to carry out their roles as citizens and provides the skills necessary to participate as effective and responsible citizens; and

WHEREAS, our education system has long recognized the obligation of preparing future citizens for participation in public life, and the Maine system of learning results places emphasis on citizenship education, specifically complementing identified core social studies curricula in government, history, geography and economics; and

WHEREAS, an actively engaged, enlightened and responsible citizenry, using democratic procedures for making decisions and managing conflict, is in the best interest of the State; and

WHEREAS, the cultivation of a public disposition, including civility, a sense of personal efficacy and a belief in advancing the public good, is essential to civic-mindedness in recognizing the situation of others in a shared political community; and

WHEREAS, in a vital democratic society, we recognize the need for citizens to develop respect for the law, the responsibility to scrutinize its consequences and the courage to challenge and effect change in pursuit of liberty and justice; and

WHEREAS, we recognize the responsibility to develop in Maine's youth the knowledge, experience and leadership skills needed to achieve personal success and make a positive contribution to society; and

WHEREAS, as Thomas Jefferson indicated, the people are the proper depository of the ultimate powers of society, and education is necessary to inform their discretion; and

WHEREAS, as Alexis de Tocqueville also indicated, the formal political meeting or event in a democracy helps bring civic participation within the people's reach, teaching citizens how to use and enjoy it; and

WHEREAS, truly outstanding events and programs organized by community service, academic and professional organizations currently exist to provide excellent experiences in civic education for Maine high school students; 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, take this opportunity to recognize the exceptional value of the following organizations that help provide outstanding civic education in the State:

1. Maine Youth in Government, the Model State Legislature program sponsored by the State YMCA;
2. We the People: The Citizen and the Constitution, a program sponsored by the Center for Civic Education;
3. The Maine State High School Mock Trial Competition, sponsored by the Maine State Bar Association and organized by Maine Law and Civics Education at the University of Maine School of Law;
4. The Dirigo Boys State program sponsored by the American Legion and the Dirigo Girls State program sponsored by the American Legion Auxiliary;

5. The Speech and Debate program sponsored by the Maine Principals' Association in partnership with the Maine Forensic Association; and

6. The Maine Model United Nations Conference hosted by the University of Southern Maine; and be it further

**RESOLVED:** That school administrators, teachers, parents and students are encouraged to obtain information on these programs so that these outstanding learning and leadership experiences may become an opportunity for Maine students at the many high schools at which they do not yet exist.

**READ.**

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 think we recognize the necessary personal attributes to be a good citizen and an effective leader. Among those are knowledge, skills, self-confidence, and I think something beyond self-promotion, something that we call civic mindedness. These things have to be taught, they have to be experienced, they have to be felt, and I would like to bring your attention to six programs that are offered here in the State of Maine that are sponsored by some outstanding organizations, that bring these life changing experiences to Maine high school students. Four of the events and organizations have representatives in the Gallery today.

I would like to mention Boys State and Girls State, the two Dirigo programs sponsored by the American Legion, which began around the time of the Second World War. I would like to mention the Maine State High School Mock Trial Competition, which is sponsored by the Maine State Bar Association, which is now in its 15th year. I would like to mention We the People: The Citizen and the Constitution program, which is an outstanding study of the Constitution, which has been offered in the State of Maine for 21 years. I would like to mention perhaps the one you are most familiar with, that would be the Maine Youth and Government Program, what we call the Model State Legislature, which began in 1941.

I would like to give credit for the idea of this Resolution to a York County teacher, Joe Wagner, who was familiar with three of these programs and wanted to honor them. These six programs that we recognized today and the volunteers who give so much time for our young people, provide a great opportunity for Maine high school students and provide a great service for our democracy. Thank you, Mr. Speaker.

Subsequently, this Joint Resolution was **ADOPTED.**  
Sent for concurrence.

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**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

Bernard Lown, of Lewiston and Massachusetts, who is a world-renowned cardiologist. Mr. Lown and his family emigrated from Lithuania in 1935 and settled in Lewiston. He attended Lewiston High School and the University of Maine prior to entering medical school at The Johns Hopkins University. Mr. Lown is the primary developer of the defibrillator, a founder of Physicians for Social Responsibility and a cofounder of the International Physicians for the Prevention of Nuclear War. Mr. Lown and the International Physicians for the Prevention of Nuclear War were recipients of the 1985 Nobel Peace Prize. The South Bridge connecting Lewiston and Auburn will be renamed the Bernard Lown Peace Bridge in Mr. Lown's honor. We extend our congratulations to Mr. Lown;

(HLS 1131)

Presented by Representative WAGNER of Lewiston. Cosponsored by Senator ROTUNDO of Androscoggin, Representative SAMSON of Auburn, Representative MAKAS of Lewiston, Representative CAREY of Lewiston, Representative CRAVEN of Lewiston, Senator SNOWE-MELLO of Androscoggin, Representative BEAULIEU of Auburn, Representative SIMPSON of Auburn, Representative CAIN of Orono.

On **OBJECTION** of Representative CAIN of Orono, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

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**REPORTS OF COMMITTEE**

**Ought to Pass Pursuant to Statute**

Representative SMITH for the **Joint Standing Committee on Business, Research and Economic Development** on Bill "An Act Regarding the State Government Evaluation Act Review of the Maine State Housing Authority"

(H.P. 1636) (L.D. 2271)

Reporting **Ought to Pass** pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4.

Report was **READ** and **ACCEPTED.** The Bill **READ ONCE** and was assigned for **SECOND READING** Wednesday, March 26, 2008.

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**Refer to the Committee on Taxation Pursuant to Joint Order**

Representative PIOTTI for the **Joint Standing Committee on Taxation** on Bill "An Act To Amend the Municipal Tree Growth Reimbursement Formula"

(H.P. 1639) (L.D. 2274)

Reporting that it be **REFERRED** to the Committee on **TAXATION** pursuant to Joint Order, H.P. 1595.

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

Sent for concurrence.

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**Committee of Conference**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act To Amend the Laws Regarding School Funding" (EMERGENCY)

(S.P. 741) (L.D. 1932)

has had the same under consideration, and asks leave to report:

That the Senate **RECEDE** from **PASSAGE 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).** **RECEDE** from **ADOPTION** of **COMMITTEE AMENDMENT "A" (S-410) AS AMENDED BY SENATE AMENDMENT "D" (S-419)** thereto and **INDEFINITELY POSTPONE** same. **RECEDE** from **ADOPTION** of **SENATE AMENDMENT "B" (S-420)** and **INDEFINITELY POSTPONE** same. **RECEDE** from **ADOPTION** of **SENATE AMENDMENT "C" (S-430)** and **INDEFINITELY POSTPONE** same.

That the Senate **READ** and **ADOPT** Committee of Conference Amendment "A" (S-467) and **PASS THE BILL TO BE ENGROSSED AS AMENDED BY COMMITTEE OF**

**CONFERENCE AMENDMENT "A" (S-467), in NON-CONCURRENCE.**

That the House **RECEDE** and **CONCUR**.

Signed:

Senators:

BOWMAN of York  
MITCHELL of Kennebec  
RAYE of Washington

Representatives:

PINGREE of North Haven  
FARRINGTON of Gorham  
JOHNSON of Greenville

Came from the Senate with the Committee of Conference Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE OF CONFERENCE AMENDMENT "A" (S-467) in NON-CONCURRENCE.**

The **Committee of Conference** Report was **READ**.

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

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**CONSENT CALENDAR**

**First Day**

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

(S.P. 402) (L.D. 1214) Bill "An Act To Improve the Competitiveness of Maine's Boat Building Industry" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-469)**

(S.P. 775) (L.D. 1981) Bill "An Act To Exempt Certain Facilities from Increased Fire Sprinkler Requirements" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-471)**

(H.P. 1568) (L.D. 2198) Bill "An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Training for Elected Officials" (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass**

(H.P. 532) (L.D. 701) Bill "An Act To Authorize the Operation of Slot Machines on Indian Island in Old Town" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-788)**

(H.P. 610) (L.D. 810) Bill "An Act To Improve Solid Waste Management" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-799)**

(H.P. 1393) (L.D. 2009) Resolve, Regarding Legislative Review of Portions of Chapter 150: Control of Emissions from Outdoor Wood Boilers, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Air Quality Control (EMERGENCY) Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-797)**

(H.P. 1399) (L.D. 2015) Bill "An Act To Ensure Integrity in Financing Publicly Funded Campaigns" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-793)**

(H.P. 1436) (L.D. 2052) Resolve, To Create the Blue Ribbon Commission To Study the Future of Home-based and Community-based Care (EMERGENCY) Committee on

**HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-795)**

(H.P. 1470) (L.D. 2084) Bill "An Act To Protect Vulnerable Children by Allowing the Use of Emergency Medication" (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-796)**

(H.P. 1506) (L.D. 2126) Bill "An Act To Minimize Carbon Dioxide Emissions from New Coal-powered Industrial and Electrical Generating Facilities in the State" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-798)**

(H.P. 1529) (L.D. 2149) Bill "An Act To Lower Energy Costs and Increase Renewable Energy in Maine" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-790)**

(H.P. 1580) (L.D. 2213) Bill "An Act To Implement the Recommendations of the Working Group To Improve Public Understanding and Participation in the Rulemaking Process" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-791)**

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

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(S.P. 779) (L.D. 1985) Bill "An Act To Meet the Emergency Needs of Maine Veterans" (EMERGENCY) Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-468)**

On motion of Representative PATRICK of Rumford, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ**.

On further motion of the same Representative, **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned.

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**CONSENT CALENDAR**

**Second Day**

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

(S.P. 765) (L.D. 1971) Bill "An Act Concerning Gasoline Station Vapor Recovery Requirements" (C. "A" S-465)

(S.P. 866) (L.D. 2239) Resolve, To Name a Road in Dexter after Harold Alfond (C. "A" S-466)

(H.P. 1609) (L.D. 2248) Bill "An Act To Delete Outdated References to Rule 42 of the Maine Rules of Criminal Procedure from the Maine Bail Code and the Provision Allowing for Appeals by Aggrieved Contemnors"

(H.P. 390) (L.D. 507) Bill "An Act Recognizing Native American Religion in Maine Prisons and Jails" (C. "A" H-784)

(H.P. 1515) (L.D. 2133) Bill "An Act To Establish Consistent Consumer Protections for Cable and Video Programming Customers" (EMERGENCY) (C. "A" H-777)

(H.P. 1527) (L.D. 2147) Bill "An Act To Ensure That State Government Is a Model Employer of People with Disabilities" (C. "A" H-776)

(H.P. 1596) (L.D. 2235) Bill "An Act To Sustain Maine's Core Wastewater Licensing Program and Adjust Related Provisions" (C. "A" H-779)

(H.P. 1598) (L.D. 2237) Resolve, Authorizing the Department of Conservation, Bureau of Parks and Lands To Convey Certain Lands (C. "A" H-783)

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

(H.P. 1446) (L.D. 2062) Bill "An Act Regarding Education Laws" (C. "A" H-780)

On motion of Representative RINES of Wiscasset, was **REMOVED** from the Second Day Consent Calendar.

The Unanimous Committee Report was **READ**.

On further motion of the same Representative, **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned.

**BILLS IN THE SECOND READING  
House**

Bill "An Act To Increase the Number of Concealed Firearms Permit Reciprocity Agreements That Maine May Enter into with Other Eligible States"

(H.P. 1630) (L.D. 2267)

Bill "An Act To Implement the Recommendations of the Joint Standing Committee on Education and Cultural Affairs Regarding Review of the Maine State Museum Commission under the Government Evaluation Act and To Revise the Review Schedule"

(H.P. 1631) (L.D. 2268)

**House as Amended**

Bill "An Act To Maintain the Amount of State Land That Is Open for Hunting"

(H.P. 497) (L.D. 648)

(H. "A" H-781 to C. "A" H-756)

Bill "An Act To Allow Civil Penalties for Damaging Utility Property or for Theft of Utility Services"

(H.P. 1552) (L.D. 2182)

(C. "A" H-778)

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

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

(C. "A" H-787)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the House Papers were **PASSED TO BE ENGROSSED or PASSED TO BE ENGROSSED as Amended** and sent for concurrence. **ORDERED SENT FORTHWITH**.

Bill "An Act To Update the Regional Greenhouse Gas Initiative"

(H.P. 1381) (L.D. 1945)

(C. "A" H-768)

Was reported by the Committee on **Bills in the Second Reading** and **READ** the second time.

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

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

Bill "An Act To Conserve Gasoline and Preserve Clean Air"

(H.P. 1440) (L.D. 2056)

(H. "A" H-786 to C. "A" H-765)

Was reported by the Committee on **Bills in the Second Reading** and **READ** the second time.

On motion of Representative JACKSON of Allagash, was **SET ASIDE**.

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

Bill "An Act To Increase the Time Period for Motor Vehicle Inspections to 2 Years"

(H.P. 1498) (L.D. 2112)

(C. "A" H-782)

Was reported by the Committee on **Bills in the Second Reading** and **READ** the second time.

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

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

**ENACTORS  
Emergency Measure**

An Act To Streamline the Administration of Significant Vernal Pool Habitat Protection

(H.P. 1390) (L.D. 1952)

(C. "A" H-758)

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. 114 voted in favor of the same and 17 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Acts**

An Act Relating to Studded Tires

(S.P. 836) (L.D. 2176)

(C. "A" S-462)

An Act To Correct the Law Regarding Portability of Pension Benefits for Law Enforcement Officers and Firefighters

(S.P. 837) (L.D. 2177)

(C. "A" S-464)

An Act To Comprehensively Address Grand Jury Territorial Authority To Indict for Crimes

(H.P. 1567) (L.D. 2197)

An Act Regarding the Recommendations of the Committee To Study Appropriate Funding of the State Police

(S.P. 888) (L.D. 2259)

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 item was taken up out of order by unanimous consent:

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Allow Additional Slot Machines at a Harness Horse Racing Track To Support Harness Horse Racing, Passenger and Freight Train Service on the Mountain Division Rail Line and Passenger Train Service Overseen by the Northern New England Passenger Rail Authority"

(H.P. 1311) (L.D. 1879)

Signed:

Senators:

MARRACHÉ of Kennebec  
BRYANT of Oxford  
PLOWMAN of Penobscot

Representatives:

WEDDELL of Frankfort  
BRYANT of Windham  
NASS of Acton  
PATRICK of Rumford  
TRINWARD of Waterville  
TUTTLE of Sanford  
PINKHAM of Lexington Township  
CAREY of Lewiston  
FITTS of Pittsfield

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-792)** on same Bill.

Signed:

Representative:

MOORE of Standish

**READ.**

Representative PATRICK of Rumford moved the House Accept the Majority **Ought Not to Pass** Report.

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

Representative **MOORE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will be brief on this. This is my bill, but we have been working on it for three years. I suspect that we will be seeing it again next cycle, but at this point I would like to thank all the members of the Transportation Committee, who were very, very helpful in the development of this bill by providing a study that determines the engineering stability of the line between New Hampshire and Portland.

I would also like to thank my fellow members of the Legal and Veterans Affairs Committee, although we have parted ways on this, at this point the members of the Committee gave it very careful, deliberate, and thorough consideration before taking the vote that it did.

Unfortunately, because of the press of budget matters that are before the House and other enormous and weighty issues that we are dealing with here, it was felt that the bill was not feasible to give it a thorough and careful airing here. Nonetheless, I would like to thank my fellow members of the Committee and the Transportation Committee for their very thorough and careful consideration. Thank you very much.

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

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

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The House recessed until the Sound of the Bell.

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(After Recess)

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The House was called to order by the Speaker.

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

Expression of Legislative Sentiment recognizing Bernard Lown, of Lewiston and Massachusetts.

(HLS 1131)

Which was **TABLED** by Representative CAIN of Orono pending **PASSAGE**.

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

Representative **WAGNER**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. We normally have a Doctor of the Day, this time we have a Doctor of the Year: Bernard Lown.

When I picked Dr. Lown and his wife up at the Garden Inn in Portland this morning, we spent the entire trip up chatting. One of the things he did was to resolve our entire budget problem. All we need to do, apparently, is to stop a certain war and free up a huge amount of money that could handle most of the state's budget problems, according to Dr. Lown. I happen to agree with that.

In addition to the things we have heard about the defibrillator, and about his Nobel Peace Prize, he has written a book which is highly recommended to me by my wife; it is called *The Lost Art of Healing: Practicing Compassion in Medicine*. I recommend it very highly and I particularly recommend it for your own doctors, and Dr. Walker, please take a look at this book at some point or another. It tells you what a doctor should be—I will leave it at that.

I want you all to know that the Lewiston and Auburn City Councils unanimously approved the renaming of the South Bridge between Lewiston and Auburn, in honor of Dr. Lown. It is an honor to me, and a privilege to have him here today. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Cain.

Representative **CAIN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The opportunity to honor my friend and mentor Dr. Bernard Lown today in this Chamber, for me, is somewhat surreal.

This man is an inspiration to me as a global leader for peace and understanding; a cardiologist who treats the person, not the symptom; and as a humble example of how to live a good life and help other people.

The facts are there, they are all true. His life included a journey that began at the University of Maine in the honors program, like mine. He went to medical school; he invented the defibrillator along the way, founded the International Physicians for the Prevention of Nuclear War, and, by the way, won a Nobel Peace Prize. He also founded a clinic in Boston, where people come from all over the world to receive the kind of medicine that is founded in a compassion and understanding of the whole person. They come there for some of the best cardiac treatment in the world. These things are all wonderful and true, but it is the man behind the accolades who inspires me.

I first met Dr. Lown about seven years ago at a small dinner in Newton, Massachusetts, at the home of a University of Maine alum. I thought it was amazing enough to be sitting at the table, just diagonally sitting from a Nobel Peace Prize winner, but little did I know how significant that meeting and that the conversation that was had that night, how significant that would be for me in my life.



After that meeting, I wrote Dr. Lown a letter thanking him for spending time talking with me and for inspiring me, and he wrote me back. I had told him how I hoped to enter into the world of higher education, and, hopefully, become a college or university president someday. He wrote back, and in that letter he said that perhaps I was too wise to engage in the quagmire of the political realm. Just about one year later, I became a candidate for the Maine House of Representatives, and I was never more proud than when I wrote Dr. Lown a letter to let him know that I had entered that same quagmire he had encouraged me to consider, not too long before.

There are many times in this building when we are faced with real problems that affect real people, people who do not have a voice, people who cannot advocate for themselves. It is often in those times that, particularly in the Appropriations and Financial Affairs Committee room, when I ask myself the question "What would Dr. Lown do, what would Dr. Lown say, what would Dr. Lown think?"

The Representative from Lewiston referenced the book *The Lost Art of Healing*, and I read that book. Not only did it challenge me to think differently about my doctor and about medicine, but it challenged me to think differently about public policy, and it encouraged and inspired me to practice compassion in public policy, and even—though it is hard to believe sometimes—practice compassion in politics. So as I continue to pinch myself and think is this really happening, could Dr. Lown be here seeing me speak to all of you about him on the floor of the Maine House, I will just close by saying thank you. Thank you to Dr. Lown, thank you to his lovely wife Louise who is here with us today as well. Thank you for bringing important innovation to medicine that has literally saved thousands and thousands, and ultimately millions of lives. Thank you for having the vision to look beyond borders and across oceans, to build global understanding around real threat in the world, something that I think we should all continue to do today. Most of all, I would like to thank Dr. Lown for—at that small dinner in Newton, Massachusetts—for taking time to believe in me, because for me it has made all of the difference. 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 never had dinner with Dr. Lown; I certainly would have liked to have that privilege. I actually never met the man until half an hour ago, but it is not every day that you meet a man that his life's work has gone into helping people like myself. I have a defibrillator and without it probably would not lead a very productive life, would not be able to take care of my kids, and for that I owe you a great deal of gratitude, sir. I just want to say thank you.

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

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 Thursday, March 20, 2008, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-763)** - Minority (6) **Ought to Pass as Amended by Committee Amendment "B" (H-764)** - Committee on **EDUCATION AND CULTURAL**

**AFFAIRS** on Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation, a Major Substantive Rule of the Department of Education (EMERGENCY)

(H.P. 1516) (L.D. 2136)

TABLED - March 19, 2008 (Till Later Today) by Representative NORTON of Bangor.

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

Representative TARDY of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought to Pass as Amended** Report.

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

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Strang Burgess.

Representative **STRANG BURGESS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I am rising to ask that you defeat the request to accept the Minority Report, and I would like to explain why that would be and that is: here we go, yet again. We have created a task force from last session with a very prickly issue, and we charged them with coming back to the Education Committee with their best recommendation—it was a well-founded task force—and they came back to us with a 16-3 report of a recommendation of how for us to give some definition to adverse effect.

Adverse effect is the part of Special Ed laws that give the Special Ed Departments within your different schools some guidelines on how to judge whether a child is, in fact, eligible for the special services. It is a very complex process, and over the years it has been very difficult for the schools to make these decisions, and as a result we have some real diversity across the State of Maine. Well, I can tell you that last session, you all passed some regulations and some rules around Chapter 101. You already have done this, and already a number of your schools are seeing reduction in some sort of control in Special Ed.

I hope you all saw last Friday on the front page of the *Portland Press Herald*, there was a full front page article, front and back sections, outlining some of the issues around this. You also received a flier—unfortunately, it was last Thursday, I think, that you folks had some points on this—but I think a number of you have heard from folks, you have heard from parents, you have also heard from schools. Basically, what they are all really saying is we need some help and some definition, but the parents are telling us we do not need it to be set into complete stone, so here is the deal: We are federally not required to have any definition for adverse effect, not at all. In fact, one state out there has tried to work on this issue and that is Vermont; Maine would be the second state in the country to try to define what adverse effect is. So here we are, and we are really are trying to take care of our kids.

You know if you are a parent, your kid is your most precious commodity, and you are going to fight to the death to support your child and make sure that he or she gets the services. We know for a fact—and that is always a result of the Commission on Early Childhood, which people have heard about earlier—that we know birth through three years old is the most critical time in a child's life, so why would we want to not provide these special services to our youngest children, because it is going to cost us a lot more in the end. If you can actually get children into the scope of learning and being a productive member of their schools, they will become a much more productive citizen out there and that will save money in the big picture.

What happened is the task force was created, they came

back and said, "Gosh, you know we really would like to have sort of no definition because we want to be sure that all the kids of Maine get the services, but if we have to have some guidelines because we understand how difficult it is to be in a school system and we want the kids who are in Kittery to be treated the same as they are in Machias or Madawaska, so we understand why some guidelines make sense. So a 16-3 vote, they came up with some guidelines, and they cover a lot of the different categories. Ladies and Gentlemen of the House, that is what the Majority Report of LD 2136 is. That is respectful of the Task Force that worked hard through the summer and fall to create, so I would ask that you please defeat the motion on the floor to accept the Minority Report and respect the work of all of these people who worked out there. If you will on the spectrum of, if nothing is here and the Minority Report is here, the Majority essentially drags right down the middle, it gives some definition—and believe me, I am sure it is a conversation that we will continue to have, probably for sessions to come—but it just does not seem to make any sense at all when you have a clear majority out of the Task Force and you have all of these folks who worked hard, and this is very complicated issue, and we are helping Special Ed folks give some definition to this, we are working on this and we are making progress at the same time. Remember who was hurt most and that is our kids, and we want to spend our resources appropriately and early intervention is absolutely factually proven to make a difference. That is what we need to do, and I am asking for your defeat of the Minority Report, and then consideration and remember the Majority Report drives right down the middle. Thank you.

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

Representative **MAKAS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I, too, encourage you to vote against the current motion, which represents the Minority Report on this bill. We have been dealing with this on our Education Committee for the past couple of years.

Just to clarify what this issue is, the federal law says that a child is entitled to receive special education services if he or she has one of the listed numbers of disabilities, and if that disability has an "adverse impact" on the child's education.

Last year, when we discussed this in committee, we were talking about the specific term adverse effect, whether how carefully we should or should not define what adverse effect is. We did have, as the good Representative from Cumberland said, we did have some difference of opinion and in response to that, a stakeholders group was assembled to actually look at the issue of whether or not we should have a definition of adverse effect, and if so, what that definition should be. They came back with their recommendations. The majority of the stakeholders group and the majority on the Education Committee supported a limited definition of adverse effect, a rather broad definition, and suggested that specific guidelines could be developed by the Department of Education, but that a lengthy definition of adverse effect should not be put into the law.

I would encourage you to vote against the current motion, which is the Minority Report, for a number of reasons: Number one, the federal law does not define adverse effect. Number two, Federal law does not require states to specifically define adverse effect. Number three, as the good Representative of Cumberland said, the only state that has a very specific definition of adverse effect is Vermont, and they have had a number of lawsuits based on their reading of what that means. Number four, of the stakeholders who looked at this issue, the vote was 16-3, in favor of a more broad definition of adverse effect rather than a very specific definition of adverse effect.

Number four; there is also, in the Minority Report, a specific definition of "needs special education." Again, this is not in federal law, to the best of my knowledge it is not in any state law, it is certainly not required by state law, and the stakeholder group was never given a definition of "needs special education" to discuss.

For me, the issue is that the Minority Report and the very specific definition of adverse effect is a cookie cutter approach that has very, very strict guidelines written into law, as to who is entitled to receive special education services. We are talking about Maine's children. I want to emphasize that voting against the Minority Report and considering the Majority Report, will still allow guidelines that will give some structure from the Department of Education for communities to determine who should or should not receive special services. This is not the right approach. It suggests that a child, who has one of these listed disabilities, has to fall below average; in other words, the best that a child with a disability can hope for is to become a C student. We have lots of children in the State of Maine; we care about them, including those who have disabilities. Please vote against the current motion, the Minority Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Marley.

Representative **MARLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I feel like we are in committee here and that I am testifying neither for nor against, because I have great concerns—as a special education teacher professionally—with the narrowness of the Minority Report as it stands. The good Representative from Lewiston touched on pieces of it as far as "needs special education." That is traditionally a row that is governed by the IAP teams, and in federal law those are certain individuals that are required to be there, the parent; the child can be there and is invited, but typically it is older children that are high school age, this special education teacher, based on services—case manager, special education—so I have real concerns about putting that into the statute.

I also feel that the rule as it is being presented is too rigid. That is not to say, however, that I think necessarily the Majority Report does not go too far. I am not sure I am convinced that it goes right down the middle, and I have concerns there as well.

I think what everyone has talked about basically is we need guidance and I agree with that, but putting into statutory language goes beyond guidance, and I have heard from advocates even that they feel as though if we were to go with the Minority Report, that this would be something that would end up immediately in court; that basically if you are looking at major substantive rules, you are looking at, the term does not include any form of instruction explanation, exploratory statement of policy which in itself is not judiciary force, etcetera. In its own language in procedures and determinations, it says the following are examples of assessment or data to serve as guide that the IAP team may use. They feel that this is not an appropriate use of the statutory language, to put into language.

If I had my way—and the problem with this is it is a major substantive rule. If we do not figure something out, the language that the Department has put in place will go into effect, but we are not required by federal law. We actually have seen decreased enrollments in special education identification. Last session, we put the stakeholders group together—I think it was a shotgun marriage—and special education is already too adversarial. I just think that this is going to move the parties more quickly into court.

As I said, the Majority Report, I feel goes maybe potentially too far, so I am hoping that better minds than mine may be able to come together and find a way that we can keep the status quo,

because I do not think this is necessary. The Representative from Lewiston, Representative Makas, is absolutely right. If we put into statutory language, this is going to affect every special needs child in this state, it is going to impact our schools, and why do we need to rush such an important issue? I think this is something that may be premature, so I will not be supporting the Minority Ought to Pass Amendment.

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

**ROLL CALL NO. 247**

YEA - Annis, Ayotte, Beaulieu, Berry, Blanchette, Browne W, Bryant, Burns, Campbell, Carter, Cebra, Clark, Cotta, Cray, Curtis, Edgecomb, Finch, Finley, Fitts, Gerzofsky, Gifford, Giles, Gould, Greeley, Harlow, Hinck, Jackson, Jacobsen, Johnson, Jones, Joy, Koffman, Lansley, Lewin, Lundeen, Mazurek, McDonough, McFadden, McKane, McLeod, Mills, Nass, Norton, Percy, Pieh, Pingree, Rector, Richardson D, Richardson W, Samson, Sarty, Sutherland, Sykes, Thibodeau, Thomas, Tuttle, Valentino, Vaughan, Walker, Watson, Weaver, Weddell, Wheeler, Mr. Speaker.

NAY - Adams, Austin, Babbidge, Barstow, Beaudette, Beaudoin, Berube, Blanchard, Bliss, Boland, Brautigam, Briggs, Cain, Canavan, Casavant, Chase, Cleary, Connor, Conover, Craven, Crockett, Crosthwaite, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Fischer, Fisher, Fletcher, Flood, Grose, Hamper, Hanley S, Haskell, Hayes, Hill, Kaenrath, MacDonald, Makas, Marean, Marley, Miller, Millett, Miramant, Muse, Pendleton, Peoples, Perry, Pilon, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rand, Rines, Robinson, Rosen, Savage, Schatz, Silsby, Sirois, Smith N, Strang Burgess, Tardy, Theriault, Tibbetts, Treat, Trinward, Wagner, Webster, Woodbury.

ABSENT - Carey, Dill, Duprey, Emery, Hogan, Knight, Moore, Patrick, Pineau, Saviello, Simpson.

Yes, 64; No, 76; Absent, 11; Excused, 0.

64 having voted in the affirmative and 76 voted in the negative, with 11 being absent, and accordingly the Minority **Ought to Pass as Amended Report was NOT ACCEPTED.**

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Marley.

Representative **MARLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am like Goldilocks today, because one is too warm and one is too cold. I really believe that—and I am not making a motion—but that tabling may be in order so that we can discuss this more in our caucuses and try to come to a determination, because once again, I really feel that we are making decisions that are impacting. I mean the piece of this is that there is a financial piece and no one wants to talk about that, then there is the education one, and then there is the very painful emotional piece, and I just believe that we are moving very quickly on this. I think there are issues with the Majority Report that I personally still need to have explanations for, and I appreciate that the good Chair of Education has talked to me about the Minority Report, Representative Strang Burgess and Representative Makas spoke to me about the Majority Report, but I still think that is why you are seeing committee members, in both bodies, are flipping back and forth on this issue and they have heard all of this testimony, so I will also not be supporting the Majority Ought to Pass Report. Thank you.

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

The Resolve was **READ ONCE. Committee Amendment "A" (H-763) was READ** by the Clerk and **ADOPTED.** The Resolve was assigned for **SECOND READING** Wednesday, March 26, 2008.

HOUSE DIVIDED REPORT - Majority (12) **Ought to Pass as Amended by Committee Amendment "A" (H-785) - Minority (1) Ought Not to Pass** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Protect Children in Vehicles from Secondhand Smoke"

(H.P. 1396) (L.D. 2012)

TABLED - March 20, 2008 (Till Later Today) by Representative MILLER of Somerville.

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

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

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

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

Representative **SAVAGE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am rising to speak in favor of LD 2012, "An Act To Protect Children in Vehicles from Secondhand Smoke."

Several studies have been done now, supporting the dangers of secondhand smoke in such a confined area to young and developing lungs. I am not a legislator who likes to legislate more laws than necessary in the personal rights arena; in this case, however, the rights of those with choice are pitted against the rights without choice: babies and children confined within the family automobile.

I further support the Committee Amendment to change the age from 18 to 16. This bill is protecting children in vehicles from secondhand smoke, not to have the government run our lives. The title of the bill says "An Act To Protect Children." Upon reaching age 16, young adults have more options to pressure adults to discontinue smoking, roll down a window, refuse to ride in the automobile, or by strongly voicing their opposition to smoking in the vehicle. But young children have no such choices and that is why this bill should be specifically tailored to their needs.

This bill, as amended, acts as a wakeup call to parents, more than anything else, with only a warning for the first offense and a \$50 fine thereafter. I would not support this bill if it was simply dictating who could or could not smoke—I believe that is a personal decision—but that is not what this bill does. What it does is protect children who are unable to protect themselves, much in the same way that we now protect them from domestic abuse situations; therefore, I ask your support for this Health and Human Services 12-1 Majority Ought to Pass Report as Amended. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lincolnville, Representative Walker.

Representative **WALKER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I feel obliged to stand up as the only member on the Health and Human Services Committee to vote against this bill, and I would just like to explain my position. I did not vote Ought Not to Pass on this bill because I think it is a good idea to smoke in your car with children present. I said in committee and I will say on the floor standing today that you have to be a bit of a knucklehead to do that, and it is not a good idea.

My point in the Committee was every once in awhile we get to a piece of legislation—it often comes to Health and Human Services—where we are legislating common sense. It may be a good idea to go forward with this, it may not be a good idea to go forward with this, but somebody once in awhile needs to stand up and wave a red flag and say is this something that we really want to be doing? Is the long arm of government reaching once again into people's lives, into people's homes and now into people's cars? Whether we want to debate this any further or not, I do not know, but that was my stance. I would like to repeat that I think it is a bad idea to smoke in your car with children present, and I felt as though I at least made a point by standing up and raising the red flag. Thank you, Mr. Speaker.

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

Representative **FINLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I feel very strongly about this bill and Representative Duprey, who introduced it, is not here today; he is out because of the illness of his daughter. He runs four daycare centers and has not absolute proof of the difference that it has made but it has made a difference, he feels, in the children in his daycare centers. He has seen less colds, he has seen less exacerbation of their asthma.

I do not look at this bill as a long arm of the law. I look at this bill as an education bill, and we are educating parents that it is not a good thing to smoke in their cars, and we have behind that education a strong recommendation with a little bit of clout. I urge you to please support this bill. Thank you.

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

Representative **CONNOR**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I apologize in advance for my voice. I rise in support of the Acceptance of this Majority Ought to Pass. I actually, for a period of time, was in concurrence with the good Representative from Lincolnville, and I was concerned about the civil liberties and what we are doing in this body. Every day that we pass a law, we affect people.

In the past, we have passed bills to prevent you from smoking in a restaurant. Certainly, I think we would all accept that the ceiling of a restaurant, many times, is considerably higher than a ceiling of a car. The fact that in this enclosed area that the toxins that these kids, and actually the adults too, are exposed to are so significant, that I said I was going to support this, and why many members of, I think, that committee supported that bill.

I think that if a bill came forward in the future to attempt to say you cannot smoke at home, I probably would vote against that because I think that we do treat homes as a castle, but a car is not a castle. An automobile is a confined space that has the ability to retain chemicals that are in that air so significantly that we need to act. I would encourage you all to support this bill and support the children. Thank you.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Briggs.

Representative **BRIGGS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of LD 2012, "An Act To Protect Children in Vehicles from Secondhand Smoke." I feel that this is a public health issue, but more importantly it is our children's health issue.

The confined space of a car and the lack of ventilation, even with the windows open, pose a real threat to our children: Exposure to dangerously high levels of nicotine smoke to children, and also infants, whose lungs are still developing. I believe in the importance of protecting our children who have no choice in the matter.

I support this bill because we have an opportunity to also save money, reducing the amount of secondhand smoke that children are exposed to will reduce their risk of ear infections, asthma, and other respiratory ailments. It will reduce the number of doctor visits. It will reduce the amount of money that we spend in health care costs. Testimony provided during the public hearings outlined the extensive health care costs from secondhand smoke, and I support this bill as a preventative measure.

But beyond saving money, we have a responsibility to look out for the wellbeing of our young children. Secondhand smoke causes respiratory problems, chronic infections and other miserable illness. A child with an ear infection is an unhappy child; a child with asthma is an unhappy child. We, each one of us, have the responsibility to protect our children.

My mother was a chain-smoker all of her life, and four years ago, I watched her die of lung cancer. As a child and because of the intense longevity of me inhaling the secondhand smoke, I cannot help but wonder will I be next? I cannot imagine what that has done to my lungs throughout my childhood life. I remember leaving my house and also getting out of our vehicle, with my clothes smelling of smoke. That nicotine smell is something that will stay with me forever. Smoking was her choice, but it was not mine. I am thankful and grateful to be able to have the choices I do today.

We have made great strides with the containment of smoking in public locations through out our state, and it is up to us to continue to do the same for our children. We need to be their voice. It is our responsibility to do the right thing to help save our children from secondhand smoke as much as possible. We can do this and we must protect our children. Thank you, Mr. Speaker.

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

Representative **FAIRCLOTH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I can understand how good people can come to different conclusions on this bill, but I rise as a civil libertarian and as a civil libertarian, I am forced to support this bill. I am for freedom of choice, and as such, I am forced to support this bill.

Let's think about the situation. I mean, really, just take a step back for a minute, and think about this situation: A human being is strapped in a box and then forced to breathe carcinogens. Now that sounds a little bit harsh, a little bit extreme, but let's really consider—with no exaggeration whatsoever—exactly what we are discussing and exactly whose civil liberties are at stake. So I will repeat: A human being is strapped into a box, then forced to breathe carcinogens. Carcinogens—a confined box where a human being is strapped in place? We are very much and very certainly and undeniably discussing a violation of civil liberties here. It is the violation of the person who is strapped down, that's whose civil liberties are being violated.

You know, my mom had a saying—your freedom ends at the tip of my nose—and I agree. If you want to booze it up, if you want to smoke up a storm, I am a libertarian. As an adult, you decide; do what you want. But it is not a civil liberty to foist alcohol on a child. I am libertarian, but my freedom ends at the tip of your nose. When this debate began, you may have been thinking that the civil libertarian position requires that we take the side of those who smoke in cars, without regard to the child in the car. But just take a fresh look: This clear violation of another person's freedom goes beyond the tip of the nose; the carcinogens reach deep into the lungs and are dispersed through the bloodstream of another human being. If you are a civil libertarian who agrees that children are indeed human, that

children are indeed people in the eyes of the law, then you agree with the modern decisions of the Supreme Court.

Now, if you disagree, history is on your side. For century upon century, children were deemed to be chattel. You know, that was the view for a long time, just like a chair or a horseless carriage, but I think that in the last century we have moved beyond the horseless carriage view of these issues, and that we really take a moment to consider. If you are thinking that from a civil libertarian perspective you are going the other way, then just take a moment to help me understand because I want to understand how a child is not a citizen, how a child does not have civil libertarian rights as well, and when you analyze it from that perspective, then I feel like we have no choice but to support Representative Duprey, to support the conclusion of the Bangor Police Department that this is easy to enforce, and to support the vast majority of the members of this Committee. I thank the members of the House.

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

Representative **JONES**: Thank you Mr. Speaker. Mr. Speaker, Colleagues of the House. I am a member of the Health and Human Services Committee and a longtime public health worker in the tobacco prevention program. I am also a dental hygienist that works in public clinics for Medicaid children, such as head starts and our schools.

This bill was sponsored initially, or initiated, by a pediatric dentist in Bangor, Dr. Shenkin, who sees a great number of Medicaid children. He and I have both been exposed to children who come in, and when we ask their medical history, we ask if they use tobacco products. With many of these children, teenagers also, I say "I can smell smoke, are you a tobacco user?" and they say "No, my parents or grandparents drove me here today, and I really hate to be put in this situation and exposed to this. I am not a smoker." I want to thank Dr. Shenkin for bringing this to our attention, and as public health professionals, we are strongly encouraging you to vote in favor of this bill.

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

Representative **BLANCHETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is not an easy bill to stand up here and publicly ask you to defeat, but I do so for any number of good reasons.

I guess I am enough of a libertarian to say that I believe young people, between the ages of 16 years and 1 day and 17 years and 364 days, have every bit as much right to their rights to be honored and respected as children that are under 16 to right after birth, or even before birth, because we have proven without a doubt through medical science that smoking during pregnancy harms the fetus, controls the weight of the baby, has and does cause miscarriages, and is suspect of causing some type of birth defects. Where do we draw the line? That child that is 16 years and 1 day; if they go to court and they break the law, their name cannot be released. If they are arrested by the Bangor Police Department—and there are many that happen day in and day out—that name cannot be released under the Right-to-Know Law because they are a juvenile. We have too many divisions here in what constitutes a juvenile and what constitutes an adult. If you want to expose 16 year olds to secondhand smoke, which has been proven to be a killer, then why don't we introduce a bill and drop the legal age for these adults to smoke if they want?

The first half of the 123rd, we went in and put some restrictions on the little funny cigars, and yesterday the Chief Executive signed a bill on lighters because they were a hazard. We do all kinds of things to protect everyone within this state,

regardless of their age. There is protection if we can pass a law to help them—16 years and 1 day does not make an adult. Are you telling that child that if they want to go out to lunch or dinner, or go on a family trip with their parents, that they have the right—and they do not have to; they can walk, take a bus or fly—but to argue with their parents? The last time I knew, you were a child of your parents until you reached legal age, when you had to stand up in front of the courts and God and everybody, and say "I am an adult." Let's not muddy the waters.

I was on the Council and fought to get the no smoking ban in Bangor passed, and we did it, and it has been in effect, and we have fined one family for smoking, and it has been a very good law because of the education aspect. You are asking the police, the ones that you do not fund enough, that you do not hire enough, and they are too busy trying to keep up with the courts and their paperwork to be out there and enforce the laws. I am asking you to defeat this because you are creating people that are covered by the civil liberties law, which is under 16, from pre-birth to under 16, and then there is that two year gap where you have no rights, you do not even fall under the civil liberties protection, that we are going to protect you as a child. Think about it; think about what you are doing. Thank you very much, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Cleary.

Representative **CLEARY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition the Ought to Pass as Amended Report.

I, too, share concerns about secondhand smoke, and I am thankful that this House, for example, does not allow smoking, and the other public places that we have heard about, bars and restaurants; however, a motor vehicle is something distinctly different. It is someone's own property, and I have some concerns of the use of the police power that we have in this House and that we sometimes use to excess. I think often we criminalize a lot of conduct that perhaps should not be, and I would ask you to think about that when you cast your vote.

Also, I have spoken with a number of law enforcement officials regarding this matter, and they do have some real concerns. This is a public health issue—that is certainly the case. Law enforcement officials are tasked mainly with public safety, especially in the area of motor vehicles. Does the conduct impinge upon the safe operation of the vehicle; will it be unsafe for those other individuals on the road? Ask yourself that question when you consider this vote. Certainly, it does not. We could, for example, consider banning fast-food drive-thrus where you purchase some fatty foods. That, both would be a public health issue as well as a safety issue, because you perhaps may be distracted while eating those foods as well. There may be other issues that you can consider, and how far do we go? We heard that certainly we will not allow this type of bill to come up when it comes to a home. Is that really the case? How far have we gone from just a few sessions ago, looked back into the other laws that have come into effect already.

Finally, I would just say one thing about the law enforcement officials: They are overburdened already, underfunded; they have a great deal of responsibility and that responsibility should be focused on the public safety. We have heard a number of Representatives from Bangor speak here today. Bangor has an ordinance in place. Perhaps, we from afar, here in Augusta, ought to consider allowing the other towns and cities within the State of Maine to consider this, or determine if it is a weighty enough issue to bring that within the local matter. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative

from Bangor, Representative Faircloth.

Representative **FAIRCLOTH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Again, I respect that there are valid points of view on either side of this issue. I did want to rise because I had gotten off the phone a few minutes ago with Deputy Chief Arno of the Bangor Police Department, and discussed this issue with him.

In that police department, perhaps they are in the best position to know how a law of this type would work because they have been dealing with it, and he said that they did not find it to be an administrative burden, he did not find it to decrease the effectiveness of the law enforcement in Bangor, but what he did find was that it was quite effective in decreasing the amount of people who smoked in cars with children, that that was directly observable from law enforcement in Bangor.

Further, he noted that because of the gentle but incredibly successful approach that they have used in Bangor by warning similar to what is proposed here, that was very much like the situation with bars. In bars, he said that four years—years—after passage of the law, no smoking in bars, they did not offer a single citation to someone smoking in the bar, they did not offer a single citation to a bar, not a restaurant, none, zero. But you know what? Nobody smokes in bars or restaurants. It became a societal change, and the cops came around and said, "This is the law, what do you guys say?" and people went with it, and the world is a better place.

I will tell you that it would be a lot better place in this situation because, in bars, the number of micrograms involved is 250 to 500 micrograms, that is what it is in a bar at the most. When you have children, it is dangerous to be above 100 micrograms, and when you have a windows closed car, it is 3,000 micrograms—3,000 micrograms—so by many orders of magnitude, more in a car than in a bar, except one somewhat noteworthy difference is that we are talking about children in this situation, the civil liberties of children.

Law enforcement says it is easy to administer, the law enforcement says it is quite effective, they have previous experience before, and, yes indeed, it is true that motor vehicles are property and I validly concede that that is true, but again, I return to the Supreme Court rulings that children are not property, children are citizens under the law and their civil liberties are equal to that of any other person in our society. I thank the Men and Women of the House.

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

Representative **BURNS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Regarding the issue of liberties, I want to share with you what the Supreme Court had to say on that. They said it a very long time ago, and it was a very conservative Supreme Court, but they said that the liberties granted to us by our Constitution are granted within the context of a social organization, and requires the protection of law against the evils which menace the health, safety, morals, and welfare of the people. That is what the Supreme Court said about civil liberties; they said it in 1937. They then did not mean to protect our children from smoking in cars, but it is just as relevant today as it was then; therefore, I will be voting in support of this bill and encourage you to do so as well. Thank you.

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

**ROLL CALL NO. 248**

YEA - Adams, Annis, Babbidge, Barstow, Beaudoin, Beaulieu, Berry, Blanchard, Bliss, Boland, Brautigam, Briggs,

Bryant, Burns, Cain, Campbell, Canavan, Carter, Casavant, Connor, Conover, Craven, Crockett, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Finley, Fischer, Flood, Gerzofsky, Giles, Grose, Hamper, Harlow, Haskell, Hill, Hinck, Jackson, Jones, Kaenrath, Koffman, Lewin, Lundeen, Makas, Marley, Mazurek, McDonough, Miller, Mills, Miramant, Muse, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Perry, Pingree, Piotti, Pratt, Prescott, Priest, Rand, Rosen, Samson, Savage, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Wagner, Walker, Watson, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Austin, Ayotte, Beaudette, Berube, Blanchette, Browne W, Cebra, Chase, Clark, Cleary, Cray, Crosthwaite, Curtis, Edgecomb, Fitts, Fletcher, Gifford, Gould, Greeley, Hayes, Jacobsen, Johnson, Joy, Lansley, MacDonald, Marean, McFadden, McKane, McLeod, Millett, Moore, Pieh, Pilon, Pinkham, Plummer, Rector, Richardson D, Richardson W, Rines, Robinson, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Weaver.

ABSENT - Carey, Cotta, Dill, Duprey, Emery, Fisher, Hanley S, Hogan, Knight, Pineau, Sarty, Saviello, Vaughan.

Yes, 92; No, 46; Absent, 13; Excused, 0.

92 having voted in the affirmative and 46 voted in the negative, with 13 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-785) was READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Wednesday, March 26, 2008.

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

Report of the **Committee of Conference** on the disagreeing action of the two branches of the Legislature - on Bill "An Act To Amend the Laws Regarding School Funding" (EMERGENCY)

(S.P. 741) (L.D. 1932)

Which was **TABLED** by Representative PINGREE of North Haven pending **ACCEPTANCE** of the **Committee of Conference Report.**

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

Representative **NORTON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am not going to get into a long discussion on this, but there are just a few reminds that I would like to give you.

Number one, the Committee of Conference Report leaves out several people's points of view, if you recall:

1. The people who want consolidation were not part of that;
2. The people who want consolidation but needed the fixes in 1932 before the Amendments, are not represented in that; actually, in my opinion, the repeal people are because I think this unravels it, but those people do not feel that way;

So the Committee of Conference Report leaves out all of those individuals in this body.

Number two, I want to remind you that there are other education reports coming on this, the ones of the Committee—the bucket bills as they have fondly been named—so if this bill should fail, if the idea should fail, the things you need as fixes could be added to amendments in those bills, so I urge you to vote Ought Not to Pass on the Committee of Conference, on this item. Thank you.

Subsequently, the **Committee of Conference Report was ACCEPTED.**

Representative **TARDY** of Newport **REQUESTED** a roll call



on the motion to **RECEDE** and **CONCUR**.

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

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

Representative **FARRINGTON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to touch briefly on the work of the Committee of Conference. This wasn't a Unanimous Report from the Committee, and I want to make clear that the membership of the Committee and those of us who have advocated for 1932 in the form that we are looking at it today, this is not a group of people opposed to the idea of consolidation, this is not unraveling efforts towards consolidation that has been underway. In fact, this is an effort to make consolidation possible in a lot of places that, to date, have not been able to find a way, under the law that we adopted last year, to bring districts together, to consolidate central offices and administration, so we are trying to provide a vehicle, or series of vehicles, by which these groups can come together and make it possible.

The Ed Committee heard this bill originally on December 12, so from that point till today—we are closing in on four months now—when districts have been waiting for the Legislature to act, to deal with shortcomings in the consolidation law that was passed, they are still waiting to delay this, and to wait until other bills might come from the Ed Committee when we would have to go through this entire process again, only puts those districts further behind in terms of trying to come up with a way to achieve the kinds of administrative efficiencies we have all said we want. Districts have been waiting for a very long time; they are depending on us to send them something to make this workable for them, so I urge you to support the bill in its current form. Thank you.

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

Representative **SCHATZ**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in opposition, but I need to explain that stand.

I appreciate not only the work of the Committee of Conference, but also the work that many of us have put forward to install features in 1932 that are helpful to our school systems, our districts. However, 1932, that act was booked as a fix for the consolidation legislation that was passed last year, and my feeling is that it does not go far enough, it does not remove penalties, it leaves unreasonable timetables, and it does not address the flawed EPS funding formula. And there is no assurance that any savings will accrue, as were proposed, none of the assurances are there in the first place for the school consolidation effort.

I wanted to note the reason for my opposition and my appreciation of the work that was done to at least make it a more friendly piece of legislation, and I would probably turn around my vote if it had to resist some effort to veto it or something of that nature, which probably is not an appropriate comment, but thank you, Mr. Speaker.

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. As strange as it may seem, I agree with both of the previous speakers. I intend to support this legislation because there are communities that can move forward and would otherwise not be able to move forward, but I would also agree with the Representative from Blue Hill that we need to do some serious work in education. This original law was an abomination, and it was terrible for what it has done too

many areas of rural Maine. The funding formula is a disgrace and we should fix it, but this particular amendment will help some of our communities move forward constructively. Thank you.

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

**ROLL CALL NO. 249**

**YEA** - Adams, Annis, Austin, Ayotte, Babbidge, Barstow, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Bliss, Boland, Brautigam, Briggs, Browne W, Bryant, Burns, Campbell, Canavan, Carter, Cebra, Chase, Clark, Cleary, Connor, Conover, Cotta, Cray, Crockett, Crosthwaite, Curtis, Duchesne, Eaton, Eberle, Edgcomb, Faircloth, Farrington, Finch, Finley, Fischer, Fitts, Fletcher, Gifford, Giles, Greeley, Hanley S, Hayes, Hill, Jackson, Jacobsen, Johnson, Jones, Joy, Kaenrath, Knight, Koffman, MacDonald, Makas, Marean, Mazurek, McDonough, McFadden, Miller, Miramant, Moore, Muse, Patrick, Pendleton, Peoples, Perry, Pieh, Pilon, Pingree, Pinkham, Piotti, Plummer, Pratt, Rand, Rector, Richardson D, Rines, Sarty, Silsby, Sirois, Smith N, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Treat, Trinward, Tuttle, Valentino, Wagner, Walker, Weaver, Weddell, Wheeler, Woodbury, Mr. Speaker.

**NAY** - Beaudette, Cain, Carey, Casavant, Craven, Dill, Driscoll, Dunn, Fisher, Flood, Gerzofsky, Gould, Grose, Hamper, Harlow, Haskell, Hinck, Lansley, Lewin, Lundeen, Marley, McKane, McLeod, Millett, Mills, Nass, Norton, Percy, Prescott, Priest, Richardson W, Robinson, Rosen, Samson, Savage, Schatz, Simpson, Strang Burgess, Vaughan, Watson, Webster.

**ABSENT** - Blanchette, Duprey, Emery, Hogan, Pineau, Saviello.

Yes, 104; No, 41; Absent, 6; Excused, 0.

104 having voted in the affirmative and 41 voted in the negative, with 6 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

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 Thursday, March 20, 2008, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

**SENATE REPORT - Ought to Pass as Amended by Committee Amendment "A" (S-458)** - Committee on **LABOR** on Bill "An Act To Require the State To Divest Itself of Funds from Companies Doing Business with Iran"

(S.P. 745) (L.D. 1934)

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-458)**.

**TABLED** - March 18, 2008 (Till Later Today) by Representative **TUTTLE** of Sanford.

**PENDING - ACCEPTANCE OF COMMITTEE REPORT.**

Representative **BEAUDETTE** of Biddeford **REQUESTED** a roll call on the motion to **ACCEPT** the Unanimous Committee Report.

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

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

Representative **WAGNER**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in opposition to this because I am very uncomfortable; I have misgivings about a bill like this for several reasons.

One is that I am not sure what the House and the Senate are doing of Maine, or doing meddling, at this point, with foreign policy. This is not a humanitarian bill, such as Darfur or elsewhere. I know that certain very progressive Democratic candidates are in favor of divestiture and anything else we can do to stop Iran from engaging in further nuclear development. But this is a very complex issue, and I do not think that we have the sufficient information to be able to vote on it.

This is a foreign policy issue, as I said, and I know a little bit about foreign policy. I know, for example, that this kind of a vote can have a strong boomerang effect. I think Mr. Ahmadinejad would love us to pass this bill because it strengthens his hand in Iran; Iranians do not want the U.S. pushing them around. Maybe they deserve it, but if we want to really be effective, what we need to do is get behind the UN and other international groups to sanction Iran. There are tons of other actors we could also sanction if you would like to: We could go after Saudi Arabia; they do a number on women. We could go after Russia; they have been having some troubles in Chechnya. We could go after China because of its handling of dissidents and of Tibet. Well, we are not doing that, and we should not be doing that given the fact that foreign policy of this sort belongs with the Federal Government.

If I could, I would ask to refer this bill to a Joint Standing Committee on Foreign Affairs, but we do not have such a committee; therefore, I ask you to join me in voting against this bill. Thank you.

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 agree that this is a foreign affairs issue, but the Committee on Labor has jurisdiction over the Maine State Retirement System, and because of that, we are charged with looking after the Retirement System.

I believe that what the Committee felt was, we do not want to take the money out of the Retirement System and invest in anything that could be a terrorist activity. There is definitely all kinds of evidence that there are activities that go on, or are funded by some of these countries. Why we would want to take out money and maybe someday possibly have that used to fund any of these events, I cannot understand the justification for that. There are plenty of other places in the world that we can invest that money; and not speaking for the Chair, but for myself, I think most of the sentiment on the Committee, we did not feel that it was pertinent to allow any chance of retirees' money being used in any illegal activity that could be out of anyone in Iran, and that is why we voted unanimously for the bill.

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

Representative **TUTTLE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would agree with the good Representative from Allagash: This is a Unanimous Report of the Committee on Labor.

The bill requires the State of Maine and Maine Public Employees Retirement System to first review state pension and annuity fund investments in companies doing business with Iran, or its instrumentalities. The Treasurer of State, the Board of Trustees, shall report to the Labor Committee by January 1, 2009, and each January thereafter, sharing their divestment progress and implementation.

The bill's sponsor, Senator Strimling, from the other body, thinks this is important because all steps should be taken to avoid war; the Maine State Retirement System presently invests millions of dollars in Iran and that should stop; this is a bipartisan

movement throughout the country, to stand up to corporations who are investing in terror; it makes economic sense, according to the Missouri investment group's Terror-Free model portfolio.

Also, the bill's cosponsor, Representative Duprey, who is not here, feels that we should do whatever we can to avoid war; companies that do business in Iran should not be supported by state pension funds; and Iran is a sworn enemy against the U.S. and Israel.

We had other testimony at the hearing that Iran is a rogue nation. There was a vote in the U.S. Congress on a similar issue on federal investment, and it passed 408-6.

Now, the Amendment to the bill, the Amendment requires that only the Board of Trustees of the Maine Public Employee System, not the Treasurer of State, to divest state pension and annuity funds from companies that do business in Iran, but also would sunset the provision repealing the requirement to July 2012. I hope that you would support the Unanimous Report of the Committee. You know, committees do work hard on these issues, and then getting a unanimous report shows we did put a lot of work into it, and I would hope that you would support the Unanimous Report of the Committee on Labor.

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Berry.

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

The SPEAKER: The Representative may pose his question.

Representative **BERRY**: Thank you, Mr. Speaker. It is a three-part question; I just need to understand better how it is that the money of the Maine State Retirement System is currently being invested in Iran.

I would like to know, roughly, how much money it is that we are talking about at present; what kinds of businesses are being invested in; and what evidence we have, if any, that this money is currently being used to support the government, as opposed to reform organizations. I would be interested in any information we could learn about that.

The SPEAKER: The Representative from Bowdoinham, Representative Berry has posed questions through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I believe that presently it is \$50 million, and this really is not creating a precedent because we have a history of divesting in different areas, whether it is South Africa, whether it is Darfur, something that we think is good public policy, and I think it gets to a matter of what you think is right and wrong. I think that the majority of the Labor Committee, in the majority of the testimony that we heard at the hearing, said that this was a good idea, and because of that I hope you would support the Committee's vote.

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

Representative **BEAUDETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I apologize for causing a prolonged debate on this, and I fully expected that there would have been a roll call previously. But I feel strongly about this, that we are engaging in activity that we need not engage in, and I feel that the time that would be spent to try to identify said funds that would be invested in Iran is not a wise use of our time. Thank you.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Barstow.

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

The SPEAKER: The Representative may pose his question.



Representative **BARSTOW**: Thank you, Mr. Speaker. My question to whoever may wish to answer: Are there other countries that this Legislature has decided to divest from, that is similar to the Committee Report that we are considering?

The **SPEAKER**: The Representative from Gorham, Representative Barstow has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. If my memory will go back, I believe we have done it in the country of Darfur, I believe South Africa, I believe at one time Northern Ireland because of the political strife there, so there is a precedent to doing this.

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

Representative **SIMPSON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I just wanted to answer the good Representative from Biddeford's question a little more thoroughly.

I cosponsored a bill with Senator Strimling last session to divest our funds from the Darfur region of the Sudan because of genocide going on there, and I think genocide rises to a point where this Maine Legislature should speak and should take a position. There is no genocide going on in Iran, but we do know that sanctions hurt ordinary people, so we divest our funds from Iran at the peril of injuring regular common people going to work every day, trying to make a rug, trying to make a living, and for what? I do not think that this is really our purview, and I hope people would defeat the pending motion. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Bath, Representative Watson.

Representative **WATSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this pending motion and the Committee on Labor's Unanimous Report.

It is painfully naïve to think that Maine State Retirement money being pulled out of American businesses who are operating in Iran is somehow going to produce any kind of good. It is painfully naïve to think that we can trace a dollar spent on the New York Stock Exchange, invested in a company who has worldwide holdings, and does habitat contracts and operates in Iran, is somehow going to end up in the hands of terrorists is nonsense, and it is nonsense to back up.

Look at our history of this: We do the same thing in Ireland. Frankly, Ireland is one of the best investments in the world now, and it was not too long after our former Senator Mitchell went over and worked out the arrangement that quelled a lot of the violence in Northern Ireland, that that economy took off. I wish that our Retirement System had a piece of that action, frankly. But in terms of us declaring this to be an antiterrorist movement is non-sensible, with great apologies to the Labor Committee for a Unanimous Report, I think that they are on the wrong road here, and I would encourage you to vote against Acceptance of this Report. Thank you.

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 really just cannot believe some of the comments here. I mean the Retirement System made over \$700 million last year in earnings, and we are worried about if we are going to divest from Iran? To me, that is ridiculous. If there is any chance at all that \$1 went to funding terrorists, then I think it is obvious that we should not be sending it there. I mean it would be like going out and buying a bunch of dynamite, building a bomb, and turning around to say,

here, blow me up with it. We have done this in the past, Iran has nothing but hate for us, and I cannot even understand why anyone would argue with divesting what little bit we might actually have there.

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

Representative **BURNS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I was not with my committee; I did not support this effort to divest because divestment is an important foreign policy tool, and I think that it should be appropriately used and respectfully used. I did, however, change my opinion, much like Benjamin Franklin did at the Constitutional Convention—not that I compare with Benjamin Franklin in any way—but I did change my vote in support of the Committee, because there is an argument to be made that while this is a foreign policy issue and that our President has spoken on the issue of Iran by including them in the axis of evil, it is important that the people, that we speak, and we have an opportunity to speak.

The people of Iran do not hate us. I think that there is a reality that there is a government over there that may be a little fundamental and frightful to us in America, but I think the people are much like the people of America, and we have an opportunity to send a message. The message is that we do not agree with what that government is doing. Likely, in the upcoming elections—now I realize that we missed an opportunity because they recently had elections. Had we done this six months ago, we might have helped those folks and sent a message, and maybe they would have ousted that fundamentalist that governs their land. But I do believe that politically, this will be helpful in sending a message that may help stall yet another war. There is an urgency to go to war, yet again, somewhere else, and I think that this could be a useful tool. It is not just Maine that is speaking out; it is other states as well. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Belfast, Representative Giles.

Representative **GILES**: Mr. Speaker, may I pose a question through the Chair to any member of the Labor Committee?

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

Representative **GILES**: Thank you, Mr. Speaker. It would be helpful to know in this debate, how much money does the state have invested in companies doing business in Iran, please.

The **SPEAKER**: The Representative from Belfast, Representative Giles has posed a question through the Chair to any member of the Labor Committee who may care to respond. The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The question is \$50 million presently.

The **SPEAKER**: The Chair recognizes the Representative from Lincolnville, Representative Walker.

Representative **WALKER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am just wondering, when did the State of Maine have the resources and the ability to determine whether companies are investing in Iran or not? I mean are we going to be looking at individual companies? Are we going to be looking at subsidiaries? I mean, I do not think we have the knowledge and the ability to do this, and I think that what we are choosing here today is are we going to do what is politically correct, which is voting for the motion, or are we going to do what is correct and voting against the motion. Mr. Speaker, I stand today to ask everyone to vote against the motion. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending

question before the House is Acceptance of the Unanimous Committee Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 250**

YEA - Adams, Annis, Ayotte, Barstow, Beaudoin, Blanchette, Briggs, Bryant, Burns, Carter, Chase, Clark, Connor, Cotta, Driscoll, Edgecomb, Fischer, Fletcher, Flood, Gerzofsky, Giles, Haskell, Jackson, Johnson, Jones, Lundeen, Miller, Norton, Patrick, Pingree, Piotti, Priest, Rand, Rines, Rosen, Savage, Sirois, Smith N, Strang Burgess, Sutherland, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Tuttle, Valentino, Webster, Weddell, Mr. Speaker.

NAY - Austin, Babbidge, Beaudette, Beaulieu, Berry, Berube, Blanchard, Bliss, Boland, Brautigam, Browne W, Cain, Campbell, Canavan, Carey, Casavant, Cebra, Cleary, Conover, Craven, Cray, Crockett, Crosthwaite, Curtis, Dill, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Finley, Fisher, Fitts, Gifford, Gould, Greeley, Grose, Hamper, Hanley S, Harlow, Hayes, Hill, Hinck, Jacobsen, Joy, Kaenrath, Knight, Koffman, Lansley, Lewin, MacDonald, Makas, Marean, Mazurek, McDonough, McFadden, McKane, McLeod, Millett, Mills, Miramant, Moore, Muse, Nass, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pinkham, Plummer, Pratt, Prescott, Rector, Richardson D, Richardson W, Robinson, Samson, Sarty, Schatz, Silsby, Simpson, Sykes, Treat, Trinward, Vaughan, Wagner, Walker, Watson, Weaver, Wheeler, Woodbury.

ABSENT - Duprey, Emery, Hogan, Marley, Pineau, Saviello.

Yes, 50; No, 95; Absent, 6; Excused, 0.

50 having voted in the affirmative and 95 voted in the negative, with 6 being absent, and accordingly the Unanimous Committee Report was **NOT ACCEPTED**.

Subsequently, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** in **NON-CONCURRENCE** and sent for concurrence.

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Resolve, To Adopt Respectful Language in Programs Affecting Developmental Services

(H.P. 1494) (L.D. 2108)

TABLED - March 20, 2008 (Till Later Today) by Representative PERRY of Calais.

**PENDING - FINAL PASSAGE.**

Subsequently, the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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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 PERCY of Phippsburg, the House adjourned at 1:20 p.m., until 9:00 a.m., Wednesday, March 26, 2008.