

MAINE STATE LEGISLATURE

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

Volume III

First Special Session

April 1, 2008 - April 18, 2008

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House Legislative Sentiments
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Pages 1358-2163

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
FIRST SPECIAL SESSION
4th Legislative Day
Monday, April 7, 2008

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

Prayer by Pastor Richard Waller, Millinocket Church of the Nazarene.

National Anthem by Syncopations, Mt. Blue High School, Farmington.

Pledge of Allegiance.

The Journal of Friday, April 4, 2008 was read and approved.

SENATE PAPERS

The following Joint Resolution: (S.P. 920)

JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO AUTHORIZE A COLD WAR SERVICE MEDAL

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

WHEREAS, the United States Armed Forces confronted and engaged the forces of worldwide Communism continuously from the end of World War II on September 2, 1945 until the dissolution of the Soviet Union on December 26, 1991; and

WHEREAS, this period is known as the Cold War, and although not technically a declared war in the traditional sense, it was a war where our citizens were committed to freedom and risked their lives; and

WHEREAS, the United States, throughout this prolonged period, depended on its citizen volunteers and draftees to perform national military service in the United States Army, Navy, Air Force, Marine Corps and Coast Guard to defend the nation and its allies from communist aggression; and

WHEREAS, the collapse of the Soviet Union was the greatest military success for the United States Armed Forces since the end of World War II; and

WHEREAS, Americans who honorably served in the armed forces during the Cold War should now be recognized with a service medal; and

WHEREAS, Senate Bill No. 1097 and Senate Bill No. 1763, as well as the 2008 fiscal year's defense appropriations bill, are viable legislative vehicles to authorize and fund the medal; now, therefore, be it

RESOLVED: That We, your Memorialists, on behalf of the people we represent, respectfully urge and request the United States Congress to authorize the awarding of Cold War service medals to recognize foreign service personnel who served admirably during this period of time; and be it further

RESOLVED: That a Cold War service medal be authorized to honorably recognize all military personnel who served on active duty during the period September 2, 1945 to December 26, 1991 and thereby recognize their military service during the Cold War; and be it further

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

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

READ and **ADOPTED** in concurrence.

Non-Concurrent Matter

Bill "An Act To Amend the Laws Governing Lobbyist Disclosure"

(H.P. 1452) (L.D. 2068)

Minority (6) **OUGHT TO PASS** Report of the Committee on **LEGAL AND VETERANS AFFAIRS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED** in the House on April 4, 2008.

Came from the Senate with the Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LEGAL AND VETERANS AFFAIRS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-895)** in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (H.C. 506)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY**

April 2, 2008

The Honorable Beth Edmonds
President of the Senate

The Honorable Glenn Cummings
Speaker of the House of Representatives
123rd Legislature

State House

Augusta, ME 04333

Dear Madam President and Mr. Speaker

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Agriculture, Conservation and Forestry from the review and evaluation of the Land for Maine's Future Board under the State Government Evaluation Act. In its review, the Committee found that the Board is operating within its statutory authority.

Sincerely,

S/Senator John M. Nutting

Chair

S/Representative Wendy Pieh

Chair

READ and with accompanying papers **ORDERED PLACED ON FILE**.

The Following Communication: (H.C. 507)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY**

April 2, 2008

The Honorable Beth Edmonds
President of the Senate

The Honorable Glenn Cummings
Speaker of the House of Representatives
123rd Legislature

State House

Augusta, ME 04333

Dear Madam President and Mr. Speaker

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Agriculture, Conservation and Forestry from the review and evaluation of the Maine Harness Racing Commission under the

State Government Evaluation Act. In its review, the Committee found that the Commission is operating within its statutory authority.

Sincerely,
S/Senator John M. Nutting
Chair
S/Representative Wendy Pieh
Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 508)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY**

April 2, 2008
The Honorable Beth Edmonds
President of the Senate
The Honorable Glenn Cummings
Speaker of the House of Representatives
123rd Legislature
State House
Augusta, ME 04333

Dear Madam President and Mr. Speaker
Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Agriculture, Conservation and Forestry from the review and evaluation of the Maine Milk Commission under the State Government Evaluation Act. In its review, the Committee found that the Commission is operating within its statutory authority.

Sincerely,
S/Senator John M. Nutting
Chair
S/Representative Wendy Pieh
Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 509)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY**

April 2, 2008
The Honorable Beth Edmonds
President of the Senate
The Honorable Glenn Cummings
Speaker of the House of Representatives
123rd Legislature
State House
Augusta, ME 04333

Dear Madam President and Mr. Speaker
Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Agriculture, Conservation and Forestry from the review and evaluation of the Maine Dairy & Nutrition Council and the Maine Dairy Promotion Board under the State Government Evaluation Act. In its review, the Committee found that the Council and the Board are operating within their statutory authority.

Sincerely,
S/Senator John M. Nutting
Chair

S/Representative Wendy Pieh
Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: (S.P. 919)

**STATE OF MAINE
123RD MAINE LEGISLATURE**

April 2, 2008
Sen. Lynn Bromley
Senate Chair, Joint Standing Committee on Business, Research and Economic Development
Rep. Nancy E. Smith
House Chair, Joint Standing Committee on Business, Research and Economic Development
123rd Legislature
Augusta, ME 04333

Dear Senator Bromley and Representative Smith:
Please be advised that Governor John E. Baldacci has withdrawn his nomination of Elmer Harmon for reappointment to the Washington County Development Authority, pursuant to Title 3 M.R.S.A. §154.

This nomination is currently pending before the Joint Standing Committee on Business, Research and Economic Development.

Sincerely,
S/Beth Edmonds
President of the Senate
S/Glenn Cummings
Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT.**

READ and **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

The Following Communication: (S.C. 746)

**MAINE SENATE
123RD MAINE LEGISLATURE
OFFICE OF THE SECRETARY**

April 4, 2008
Honorable Millicent M. MacFarland
Clerk of the House
2 State House Station
Augusta, ME 04333
Dear Clerk MacFarland:

Please be advised the Senate today adhered to its previous action whereby it accepted the Majority Ought Not to Pass Report from the Committee on Business, Research and Economic Development on Bill "An Act To Require Retailers To Disclose the State's Implied Warranty Laws to Customers" (H.P. 1523) (L.D. 2143).

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

READ and **ORDERED PLACED ON FILE.**

The Following Communication: (S.C. 747)

**MAINE SENATE
123RD MAINE LEGISLATURE
OFFICE OF THE SECRETARY**

April 4, 2008

Honorable Glenn Cummings
 Speaker of the House
 2 State House Station
 Augusta, ME 04333-0002
 Dear Speaker Cummings:

In accordance with 3 M.R.S.A. §158 and Joint Rule 506 of the 123rd Maine Legislature, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Committee on Business, Research and Economic Development, the nomination of Harold A. Prescott, Sr. of East Machias for appointment to the Washington County Development Authority.

Upon the recommendation of the Committee on Business, Research and Economic Development, the nomination of Barbara L. Drisko of Columbia Falls for appointment to the Washington County Development Authority.

Upon the recommendation of the Committee on Business, Research and Economic Development, the nomination of Brent D. Hartford of Milbridge for appointment to the Washington County Development Authority.

Upon the recommendation of the Committee on Business, Research and Economic Development, the nomination of Shirley M. Erickson of Machiasport for reappointment to the Washington County Development Authority.

Upon the recommendation of the Committee on Business, Research and Economic Development, the nomination of Janet M. Toth of Jonesboro for reappointment to the Washington County Development Authority.

Upon the recommendation of the Committee on Transportation, the nomination of Thomas B. Federle of Manchester for appointment to the Maine Turnpike Authority.

Sincerely,
 S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

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

ORDERS

On motion of Representative CROCKETT of Augusta, the following Joint Resolution: (H.P. 1663) (Cosponsored by Senator MITCHELL of Kennebec and Representatives: ADAMS of Portland, ANNIS of Dover-Foxcroft, AUSTIN of Gray, AYOTTE of Caswell, BABBIDGE of Kennebunk, BARSTOW of Gorham, BEAUDETTE of Biddeford, BEAUDOIN of Biddeford, BEAULIEU of Auburn, BERRY of Bowdoinham, BERUBE of Lisbon, BLANCHARD of Old Town, BLANCHETTE of Bangor, BLISS of South Portland, BOLAND of Sanford, BRAUTIGAM of Falmouth, BRIGGS of Mexico, BROWNE of Vassalboro, BRYANT of Windham, BURNS of Berwick, CAIN of Orono, CAMPBELL of Newfield, CANAVAN of Waterville, CAREY of Lewiston, CARTER of Bethel, CASAVANT of Biddeford, CEBRA of Naples, CHASE of Wells, CLARK of Millinocket, CLEARLY of Houlton, CONNOR of Kennebunk, CONOVER of Oakland, COTTA of China, CRAVEN of Lewiston, CRAY of Palmyra, CROSTHWAITE of Ellsworth, Speaker CUMMINGS of Portland, CURTIS of Madison, DILL of Cape Elizabeth, DRISCOLL of Westbrook, DUCHESNE of Hudson, DUNN of Bangor, DUPREY of Hampden, EATON of Sullivan, EBERLE of South Portland, EDGEComb of Caribou, EMERY of Cutler, FAIRCLOTH of Bangor, FARRINGTON of Gorham, FINCH of Fairfield, FINLEY of Skowhegan, FISCHER of

Presque Isle, FISHER of Brewer, FITTS of Pittsfield, FLETCHER of Winslow, FLOOD of Winthrop, GERZOFISKY of Brunswick, GIFFORD of Lincoln, GILES of Belfast, GOULD of South Berwick, GREELEY of Levant, GROSE of Woolwich, HAMPER of Oxford, HANLEY of Gardiner, HARLOW of Portland, HASKELL of Portland, HAYES of Buckfield, HILL of York, HINCK of Portland, HOGAN of Old Orchard Beach, JACKSON of Allagash, JACOBSEN of Waterboro, JOHNSON of Greenville, JONES of Mount Vernon, JOY of Crystal, KAENRATH of South Portland, KNIGHT of Livermore Falls, KOFFMAN of Bar Harbor, LANSLEY of Sabattus, LEWIN of Eliot, LORING of the Penobscot Nation, LUNDEEN of Mars Hill, MacDONALD of Boothbay, MAKAS of Lewiston, MAREAN of Hollis, MARLEY of Portland, MAZUREK of Rockland, McDONOUGH of Scarborough, McFADDEN of Dennysville, McKANE of Newcastle, McLEOD of Lee, MILLER of Somerville, MILLETT of Waterford, MILLS of Farmington, MIRAMANT of Camden, MOORE of Standish, MUSE of Fryeburg, NASS of Acton, NORTON of Bangor, PATRICK of Rumford, PENDLETON of Scarborough, PEOPLES of Westbrook, PERCY of Phippsburg, PERRY of Calais, PIEH of Bremen, PILON of Saco, PINEAU of Jay, PINGREE of North Haven, PINKHAM of Lexington Township, PIOTTI of Unity, PLUMMER of Windham, PRATT of Eddington, PRESCOTT of Topsham, PRIEST of Brunswick, RAND of Portland, RECTOR of Thomaston, RICHARDSON of Carmel, RICHARDSON of Warren, RINES of Wiscasset, ROBINSON of Raymond, ROSEN of Bucksport, SAMSON of Auburn, SARTY of Denmark, SAVAGE of Falmouth, SAVIELLO of Wilton, SCHATZ of Blue Hill, SILSBY of Augusta, SIMPSON of Auburn, SIROIS of Turner, SMITH of Monmouth, SOCTOMAH of the Passamaquoddy Tribe, STRANG BURGESS of Cumberland, SUTHERLAND of Chapman, SYKES of Harrison, TARDY of Newport, THERIAULT of Madawaska, THIBODEAU of Winterport, THOMAS of Ripley, TIBBETTS of Columbia, TREAT of Hallowell, TRINWARD of Waterville, TUTTLE of Sanford, VALENTINO of Saco, VAUGHAN of Durham, WAGNER of Lewiston, WALKER of Lincolnville, WATSON of Bath, WEAVER of York, WEBSTER of Freeport, WEDDELL of Frankfort, WHEELER of Kittery, WOODBURY of Yarmouth, Senators: BARTLETT of Cumberland, BENOIT of Sagadahoc, BOWMAN of York, BRANNIGAN of Cumberland, BROMLEY of Cumberland, BRYANT of Oxford, COURTNEY of York, DAMON of Hancock, DIAMOND of Cumberland, DOW of Lincoln, President EDMONDS of Cumberland, GOOLEY of Franklin, HASTINGS of Oxford, HOBBS of York, MARRACHÉ of Kennebec, MARTIN of Aroostook, McCORMICK of Kennebec, MILLS of Somerset, NASS of York, NUTTING of Androscoggin, PERRY of Penobscot, PLOWMAN of Penobscot, RAYE of Washington, ROSEN of Hancock, ROTUNDO of Androscoggin, SAVAGE of Knox, SCHNEIDER of Penobscot, SHERMAN of Aroostook, SMITH of Piscataquis, SNOWE-MELLO of Androscoggin, STRIMLING of Cumberland, SULLIVAN of York, TURNER of Cumberland, WESTON of Waldo)

JOINT RESOLUTION RECOGNIZING ADULT EDUCATION IN MAINE

WHEREAS, since 1871, Maine's public schools have supported the development of an adult education system that has grown and adapted to meet the needs of Maine's population at 120 locations throughout the State, and which now serves more than 121,000 Maine adults annually; and

WHEREAS, adult education programs based in the public school systems are uniquely positioned to provide adults with learning opportunities where they live in Maine; and

WHEREAS, adult education programs are vital to the economic development of Maine, providing high school completion programs and courses specifically designed to help

educate the workforce and prepare Maine adults for success in college; and

WHEREAS, the areas of emphasis in adult education include:

1. Comprehensive adult education college transition programs, known as college transition programs, based upon collaboration with the Maine Compact for Higher Education, the Maine Community College System and the University of Maine System, that provide career guidance, an orientation to college and refresher and prerequisite classes for aspiring students. These programs are in place in 22 regions of Maine, and adult education services are also provided through other programs in the State. The goal is to increase the number of adults in Maine earning college degrees by 10,000 by 2020 through formal programs at more than 30 sites;
2. Direct service to more than 3,500 of Maine's dislocated workers from 100 companies during the past 5 years;
3. Literacy and English as a second language programs with 15,000 enrollments in 2007 and successful family literacy programs combining adult education, early childhood education and parenting instruction;
4. High school completion and GED programs, with 3,196 credentials awarded in Maine in 2007; and
5. Career preparation and upgrading courses for Maine workers, with more than 21,000 enrollments in 2007, and programs tailored specifically for Maine businesses, including the implementation of a work ready credential program for Maine employers focusing on soft skills for success in the workplace; and

WHEREAS, community education courses contribute to the quality of life in Maine communities. In 2007, Mainers from 18 to 96 years of age were given the opportunity to share talents and learn from others through those courses. In several regions, adult education programs are leading the way in developing the creative economy; and

WHEREAS, funding for adult education in Maine is a partnership that includes state subsidy, local taxpayer support, grants, contracts and fees paid by those enrolled in nonacademic courses; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-third Legislature now assembled in the First Special Session, on behalf of the people we represent, take this opportunity to pause to acknowledge and applaud Maine's adult education programs, which uniquely reflect the needs of the communities they serve and provide a vital system of service to the population of the State as new challenges are faced in economic, community and family life; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Department of Education.

READ.

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

Representative **CROCKETT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am pleased to sponsor the Joint Resolution on Adult Education in Maine. The 111 programs in Maine are located in all corners of our state, and serve as accessible points of entry into higher education for the completion of high school for skilled training and for lifelong learning for Maine adults. Adult education is a vital link in our educational system, pre-K to adult, and must be maintained if our state is to achieve the necessary goal of a more highly educated

work force. Please take the time to visit with your adult education directors and students in the Hall of Flags today. Thank you.

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

On motion of Representative BRAUTIGAM of Falmouth, the following Joint Resolution: (H.P. 1664) (Cosponsored by Senator HOBBS of York and Representatives: ADAMS of Portland, BARSTOW of Gorham, CAREY of Lewiston, HILL of York, MILLS of Farmington, PRIEST of Brunswick, TREAT of Hallowell, Senator: BARTLETT of Cumberland)

JOINT RESOLUTION RECOGNIZING MAINE ATTORNEYS SAVING HOMES

WHEREAS, the fair and equitable application of the rule of law is essential to preserving and protecting the rights and liberties of a free people; and

WHEREAS, the Maine bar has a long and honorable tradition of ensuring that all members of the public have equal protection under the law and access to lawyers when legal services are necessary; and

WHEREAS, the widening foreclosure crisis in Maine and around the country has brought the prospect of foreclosure to the doorstep of an unprecedented number of Maine families, threatening the loss of their principal financial asset, their homes; and

WHEREAS, the Mortgage Bankers Association reports that the number of foreclosures in Maine is higher than at any other time since it began keeping records in 1979, and the number is increasing faster than the national average; and

WHEREAS, the vast majority of lenders in Maine have served their communities well and have participated in constructive ways to address the problem of home foreclosures; and

WHEREAS, foreclosure cases often require specialized legal training and preparation; and

WHEREAS, the public interest as well as the interests of all parties involved in foreclosure proceedings are best served when trained, professional assistance is equally available to the homeowner as it is to the lender or any other stakeholder; and

WHEREAS, the Maine Volunteer Lawyers Project and Pine Tree Legal Assistance have answered the call for increased pro bono assistance by forming Maine Attorneys Saving Homes, known as MASH; and

WHEREAS, the Maine Bar Foundation and the Office of the Attorney General have provided vital support for the MASH project; and

WHEREAS, the MASH project promises to effectively build the legal capacity to provide pro bono legal assistance to homeowners facing foreclosure; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-third Legislature now assembled in the First Special Session, on behalf of the people we represent, take this opportunity to honor the Maine bar for its long tradition of providing pro bono legal services to those in need; and be it further

RESOLVED: That we recognize the vital efforts of Maine Attorneys Saving Homes as the members strive to ensure legal representation for Maine homeowners facing foreclosure and we encourage all professionals with relevant experience and training to contribute their time and talents to the fair and just resolution of home foreclosure proceedings; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Volunteer Lawyers Project, Pine Tree Legal Assistance, the Maine Bar Foundation and the Office of the Attorney General.

READ.

On motion of Representative BRAUTIGAM of Falmouth, **TABLED** pending **ADOPTION** and later today assigned.

SPECIAL SENTIMENT CALENDAR

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

In Memory of:

Ruth Pullen, 98, of Camden, women's advocate and civic leader. Mrs. Pullen, through the course of two impressive careers, devoted her life to improving the lives of women and their families. She received two degrees from Colby College, a bachelor's degree in 1933 and an honorary master's degree in 1961. After receiving her first degree, Mrs. Pullen built a 20-year career as an administrator at the Women's Reformatory in Skowhegan, where she retired as Superintendent in 1961. She then went to Temple University in Philadelphia to get her doctorate in law, returned to Maine and became the first woman to practice law in Franklin County. Throughout both of her careers, Mrs. Pullen was an active member of a number of state and local civic organizations. She was very proud of the role that she and her colleagues in the American Association of University Women and the Business and Professional Women Foundation played in supporting Margaret Chase Smith in her election to the United States Senate. Mrs. Pullen will be greatly missed and long remembered by her family, her friends and the community she served;

(HLS 1170)

Presented by Representative MIRAMANT of Camden.

Cosponsored by Senator SAVAGE of Knox, Representative ADAMS of Portland, Representative MILLS of Farmington, Representative RECTOR of Thomaston.

On **OBJECTION** of Representative PINGREE of North Haven, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Resolve

Report of the **Joint Standing Committee on Health and Human Services** on Bill "An Act Regarding the Statewide Homeless Council"

(S.P. 916) (L.D. 2296)

Reporting **Ought to Pass** pursuant to Resolve 2007, chapter 131.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

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

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

Ought to Pass Pursuant to Joint Order

Report of the **Joint Standing Committee on Health and Human Services** on Bill "An Act To Establish a Method for Reporting Health Care-associated Infection Quality Data"

(S.P. 917) (L.D. 2297)

Reporting **Ought to Pass** pursuant to Joint Order, S.P. 907.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

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

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

Ought to Pass as Amended

Report of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Amend Certain Provisions of the Fish and Wildlife Laws"

(S.P. 776) (L.D. 1982)

Reporting **Ought to Pass as Amended by Committee Amendment "A" (S-555)**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-555) AND SENATE AMENDMENT "A" (S-558)**.

Report was **READ**.

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

Report of the Committee on **TAXATION** on Bill "An Act Concerning Technical Changes to the Tax Laws"

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

Reporting **Ought to Pass as Amended by Committee Amendment "A" (S-508)**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-508) AS AMENDED BY SENATE AMENDMENT "A" (S-550)** thereto.

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE**. **Committee Amendment "A" (S-508)** **READ** by the Clerk. **Senate Amendment "A" (S-550)** to **Committee Amendment "A" (S-508)** **READ** by the Clerk.

Representative LANSLEY of Sabattus **REQUESTED** a roll call on the motion to **ADOPT Senate Amendment "A" (S-550) to Committee Amendment "A" (S-508)**.

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Adoption of Senate Amendment "A" (S-550) to Committee Amendment "A" (S-508). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 332

YEA - Adams, Annis, Austin, Ayotte, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Browne W, Bryant, Burns, Cain, Campbell, Canavan, Carey, Carter, Casavant, Cebra, Chase, Clark, Connor, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Duprey, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finch, Finley, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Gould, Grose, Hamper, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Jacobsen, Johnson, Jones, Joy, Kaenrath, Knight, Koffman, Lansley, Lewin, Lundeen, MacDonald, Makas, Marean, Mazurek, McDonough, McFadden, McKane, McLeod, Miller, Millett, Mills, Miramant, Moore, Nass, Norton, Patrick, Pendleton, Peoples, Percy, Pieh, Pingree, Plummer, Pratt, Prescott, Priest, Rand, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson,

Sarty, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tibbetts, Treat, Trinward, Tuttle, Valentino, Vaughan, Wagner, Walker, Watson, Weaver, Webster, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - NONE.

ABSENT - Cleary, Conover, Dunn, Emery, Fischer, Greeley, Jackson, Marley, Muse, Perry, Pilon, Pineau, Pinkham, Piotti, Rector.

Yes, 136; No, 0; Absent, 15; Excused, 0.

136 having voted in the affirmative and 0 voted in the negative, with 15 being absent, and accordingly **Senate Amendment "A" (S-550) to Committee Amendment "A" (S-508)** was **ADOPTED**.

Committee Amendment "A" (S-508) as Amended by Senate Amendment "A" (S-550) thereto was **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-508) as Amended by Senate Amendment "A" (S-550)** thereto in concurrence.

Divided Report

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-532)** on Bill "An Act To Limit the Compensation of Officers and Directors of Nonprofit Corporations"

(S.P. 636) (L.D. 1792)

Signed:

Senators:

HOBBS of York
HASTINGS of Oxford

Representatives:

SIMPSON of Auburn
BRYANT of Windham
DUNN of Bangor
MILLS of Farmington
CASAVANT of Biddeford
DILL of Cape Elizabeth
BERUBE of Lisbon
JACOBSEN of Waterboro
GOULD of South Berwick
NASS of Acton

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-533)** on same Bill.

Signed:

Senator:

NUTTING of Androscoggin

Representative LORING of the Penobscot Nation - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (S-532)** Report.

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-532)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-532)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-532)** in concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-522)** on Resolve, To Provide a Rebate of Diesel Fuel Taxes Paid by Maine's Forest Products Industry (EMERGENCY)

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

Signed:

Senators:

PERRY of Penobscot
STRIMLING of Cumberland

Representatives:

PIOTTI of Unity
RAND of Portland
KNIGHT of Livermore Falls
CLARK of Millinocket
WATSON of Bath
PILON of Saco

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

Signed:

Senator:

NASS of York

Representatives:

WOODBURY of Yarmouth
GOULD of South Berwick
CHASE of Wells
LANSLEY of Sabattus

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-522)**.

READ.

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

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

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-898)** on Bill "An Act To Protect Children's Health and the Environment from Toxic Chemicals in Toys and Children's Products"

(H.P. 1432) (L.D. 2048)

Signed:

Senators:

MARTIN of Aroostook
BARTLETT of Cumberland

Representatives:

WAGNER of Lewiston
MIRAMANT of Camden
EBERLE of South Portland
KOFFMAN of Bar Harbor
DUCHESNE of Hudson
BABBIDGE of Kennebunk
McDONOUGH of Scarborough

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-899)** on same Bill.

Signed:

Senator:

SMITH of Piscataquis

Representatives:

HAMPER of Oxford
ANNIS of Dover-Foxcroft
AYOTTE of Caswell

READ.

Representative KOFFMAN of Bar Harbor moved that the House **ACCEPT** the Majority **Ought to Pass as Amended Report.**

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

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-901)** on Bill "An Act To Ensure the Freedom of Family Child Care Providers To Jointly Negotiate with the State"

(H.P. 1481) (L.D. 2095)

Signed:

Senators:

STRIMLING of Cumberland
SULLIVAN of York

Representatives:

TUTTLE of Sanford
CLARK of Millinocket
HASKELL of Portland
JACKSON of Allagash
BURNS of Berwick
DRISCOLL of Westbrook

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

Signed:

Senator:

DOW of Lincoln

Representatives:

THOMAS of Ripley
HAMPER of Oxford
DUPREY of Hampden
JOHNSON of Greenville

READ.

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

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

Eight Members of the Committee on **EDUCATION AND CULTURAL AFFAIRS** report in Report "A" **Ought Not to Pass** on Bill "An Act To Improve the Essential Programs and Services Funding Formula"

(H.P. 759) (L.D. 1041)

Signed:

Senators:

BOWMAN of York
MITCHELL of Kennebec

Representatives:

NORTON of Bangor
FARRINGTON of Gorham
HARLOW of Portland
SUTHERLAND of Chapman
MUSE of Fryeburg
STRANG BURGESS of Cumberland

Two Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-909)** on same Bill.

Signed:

Senator:

MILLS of Somerset

Representative:

FINCH of Fairfield

Two Members of the same Committee report in Report "C" **Ought to Pass as Amended by Committee Amendment "C" (H-910)** on same Bill.

Signed:

Representatives:

EDGECOMB of Caribou
McFADDEN of Dennysville

One Member of the same Committee reports in Report "D" **Ought to Pass as Amended by Committee Amendment "D" (H-911)** on same Bill.

Signed:

Representative:

MAKAS of Lewiston

READ.

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

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

CONSENT CALENDAR

First Day

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

(S.P. 795) (L.D. 2001) Bill "An Act To Reduce Wild Blueberry Theft" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-542)**

(S.P. 847) (L.D. 2199) Bill "An Act To Ensure Landowner Access to Land That Is Intersected by a Railroad" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-549)**

(S.P. 857) (L.D. 2225) Bill "An Act To Provide Tax Relief to Maine's Forest Products Industry" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-559)**

(S.P. 889) (L.D. 2260) Resolve, Authorizing the Department of Inland Fisheries and Wildlife To Convey a Certain Easement Interest in Lands Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-556)**

(H.P. 1371) (L.D. 1937) Bill "An Act Regarding the Maine Regulatory Fairness Board" (EMERGENCY) Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-933)**

(H.P. 1433) (L.D. 2049) Bill "An Act To Provide Tax Treatment Consistency for Limited Liability and S Corporations" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-919)**

(H.P. 1447) (L.D. 2063) Resolve, To Preserve Access to Assisted Living Services for Maine's Elderly and Disabled Citizens (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-922)**

(H.P. 1459) (L.D. 2075) Bill "An Act To Amend Motor Vehicle Laws" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-913)**

(H.P. 1584) (L.D. 2218) Bill "An Act To Protect Children from Hazardous Lead-based Paint" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-921)**

(H.P. 1613) (L.D. 2251) Bill "An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2008-09 and To Require Notation of Tax Enhancement Programs Approved by the County Commissioners" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-920)**

(H.P. 1628) (L.D. 2265) Bill "An Act To Reduce the Amount Collected for the Purpose of the E-9-1-1 System" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-929)**

(H.P. 1643) (L.D. 2277) Bill "An Act Regarding the Sunrise Review of Oral Health Care Issues" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-934)**

(H.P. 1649) (L.D. 2287) Resolve, Regarding Legislative Review of Portions of Major Substantive MaineCare Benefits Manual, Chapter III, Section 21, Home and Community Benefits for Members with Mental Retardation or Autistic Disorder, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-944)**

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

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

(H.P. 1336) (L.D. 1902) Bill "An Act To Bring Maine into Compliance with Federal Law Regarding Purchases of Firearms by Persons Found To Be a Danger to Themselves or Others" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-941)**

On motion of Representative HANLEY of Gardiner, 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.

(H.P. 1437) (L.D. 2053) Bill "An Act To Ensure That Children's Toys and Products Are Free of Lead" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-930)**

On motion of Representative MILLER of Somerville, 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.

**BILLS IN THE SECOND READING
Senate as Amended**

Resolve, Regarding ISO New England (EMERGENCY)

(S.P. 884) (L.D. 2254)

(C. "A" S-545)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the Senate Paper was **PASSED TO BE ENGROSSED as Amended** in concurrence. **ORDERED SENT FORTHWITH**.

**ENACTORS
Acts**

An Act To Change the Timing of the Health Care Occupations Report and To Add and Clarify Definitions Relating to Swimming Pools and Spas

(H.P. 1491) (L.D. 2105)

(C. "A" H-874)

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.

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

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Friday, April 4, 2008, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Bill "An Act To Require the State To Divest Itself of Funds from Companies Doing Business with Iran"

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

- In House, Unanimous **OUGHT TO PASS AS AMENDED** Report of the Committee on **LABOR READ** and **REJECTED** and the Bill and accompanying papers **INDEFINITELY POSTPONED** on March 25, 2008.

- In Senate, Unanimous **OUGHT TO PASS AS AMENDED** Report of the Committee on **LABOR READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-458) AS AMENDED BY SENATE AMENDMENT "A" (S-530)** thereto in **NON-CONCURRENCE**.

TABLED - April 4, 2008 (Till Later Today) by Representative TUTTLE of Sanford.

PENDING - Motion of same Representative to **RECEDE** and **CONCUR**.

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

Representative **WAGNER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This new version of the divestiture in Iran bill refers only to companies that contribute to the development of petroleum or natural gas resources in Iran. That narrows the scope of the companies involved, but it does not handle the fact that we still have no joint standing committee on foreign affairs, and it is not because we do not have the budget to establish such a committee, it does not handle the fact that such a move on our part is likely to have a boomerang effect and just strengthen the hand of Mr. Ahmadinejad, and it does not handle the fact that there are a lot of other bad actors out there. How many of them are we going to ask for divestiture? Certainly, I have a hunch that if it were Saudi Arabia, we would not be asking the state to divest funds in any companies that deal with Saudi Arabia. Thank you, Mr. Speaker.

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. As the good Representative from Lewiston said, this amendment narrows the requirement of divestiture contained in the bill. Under this amendment, the Board of Trustees of the Maine State Retirement System is required to divest itself from holdings that contribute to development of petroleum and natural gas. It essentially reduces the amount totals, from the \$50 million down to \$20 million, since August 5, 1996. The amendment also adds a contingent repeal of the legislation so it can be reviewed in future years. I hope that you will accept the Unanimous Committee Report of the Committee on Labor. Thank you.

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

Representative **FARRINGTON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I voted in opposition to the original LD and am looking at the amendment and recognize that it does change some things, but I still have some real reservations about this, in particular one of the elements here is the contingent repeal. It lists a number of criteria under which the divestment would be repealed, one of which is if the Federal Government, in essence, says that Iran is no longer pursuing weapons of mass destruction, and my concern there is last fall the National Intelligence Estimate, which is prepared by our combined intelligence services at the federal level, issued a report saying that Iran was not pursuing nuclear weapons since at least 2003, so unless the Legislature is in possession of information that is unavailable to the federal intelligence agencies, I am not clear as to why we would be putting that out

as one of the criteria. So I am not understanding exactly what this is intended to accomplish, when some of the criteria appear to already be satisfied and there are various other questions that others may have. So Mr. Speaker, I will be opposing this and ask for a roll call.

Representative FARRINGTON of Gorham **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 Raymond, Representative Robinson.

Representative **ROBINSON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. If I may, Mr. Speaker, I have a document here from the Department of Energy, which may bring a little light to the discussion, and I appreciate the amendment the good Representative has brought forth; however, the US already sanctions international trade with Iran. And you may be interested in this: US persons may not directly or indirectly trade, finance or facilitate any goods, services, or technology going to or from Iran, including goods, services, and technology that would benefit the Iranian oil industry. US persons are also prohibited from entering into or approving any contract that includes supervision, management or finance, or the development of petroleum resources located in Iran. I agree with the good Representative from Gorham, and I think we should oppose this piece of legislation. Thank you.

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

ROLL CALL NO. 333

YEA - Ayotte, Blanchard, Bryant, Carter, Connor, Fischer, Gerzofsky, Giles, Haskell, Mills, Patrick, Pingree, Priest, Rand, Thomas, Tuttle, Valentino, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Adams, Annis, Austin, Babbidge, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchette, Bliss, Boland, Brautigam, Browne W, Burns, Cain, Campbell, Canavan, Carey, Casavant, Cebra, Chase, Clark, Conover, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Dill, Driscoll, Duchesne, Duprey, Eaton, Eberle, Edgecomb, Faircloth, Farrington, Finch, Finley, Fisher, Fitts, Fletcher, Flood, Gifford, Gould, Grose, Hamper, Hanley S, Harlow, Hayes, Hill, Hinck, Hogan, Jacobsen, Johnson, Jones, Joy, Kaenrath, Knight, Koffman, Lansley, Lewin, Lundeen, MacDonald, Makas, Marean, Mazurek, McDonough, McFadden, McKane, McLeod, Miller, Millett, Miramant, Moore, Nass, Pendleton, Peoples, Percy, Pieh, Plummer, Pratt, Prescott, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Sarty, Savage, Saviello, Schatz, Silsby, Simpson, Sirois, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Tibbetts, Treat, Trinward, Vaughan, Wagner, Walker, Watson, Weaver, Woodbury.

ABSENT - Briggs, Cleary, Dunn, Emery, Greeley, Jackson, Marley, Muse, Norton, Perry, Pilon, Pineau, Pinkham, Piotti, Rector.

Yes, 21; No, 115; Absent, 15; Excused, 0.

21 having voted in the affirmative and 115 voted in the negative, with 15 being absent, and accordingly the motion to **RECEDE** and **CONCUR FAILED**.

Subsequently, the House voted to **ADHERE**.

Resolve, Regarding Legislative Review of Portions of Chapter 1, Open Water and Ice Fishing Regulations, a Major Substantive Rule of the Department of Inland Fisheries and Wildlife (EMERGENCY)

(H.P. 1602) (L.D. 2241)

- In House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-762) AS AMENDED BY HOUSE AMENDMENT "A" (H-849)** thereto on April 2, 2008.

- In Senate, Senate **ADHERED** to its former action whereby the Resolve was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-762)** in **NON-CONCURRENCE**.

TABLED - April 4, 2008 (Till Later Today) by Representative PINGREE of North Haven.

PENDING - **FURTHER CONSIDERATION**.

Subsequently, the House voted to **ADHERE**.

BILLS HELD

HOUSE DIVIDED REPORT - Report "A" (7) **Ought Not to Pass** - Report "B" (4) **Ought to Pass as Amended by Committee Amendment "A" (H-876)** - Report "C" (2) **Ought to Pass as Amended by Committee Amendment "B" (H-877)** - Committee on **JUDICIARY** on Bill "An Act To Guarantee Free Speech in Privately Owned Public Gathering Places"

(H.P. 1065) (L.D. 1540)

- In House, Report "A" (7) **OUGHT NOT TO PASS** of the Committee on **JUDICIARY READ** and **ACCEPTED**.

HELD at the Request of Representative CAIN of Orono.

Representative CAIN of Orono moved that the House **RECONSIDER** its action whereby Report "A" **Ought Not to Pass** was **ACCEPTED**.

Representative TARDY of Newport **REQUESTED** a roll call on the motion to **RECONSIDER** whereby Report "A" **Ought Not to Pass** was **ACCEPTED**.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is to Reconsider whereby Report "A" **Ought Not to Pass** was Accepted. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 334

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

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

ABSENT - Briggs, Cleary, Dunn, Emery, Greeley, Jackson, Marley, Muse, Perry, Pilon, Pineau, Pinkham, Piotti, Rector.

Yes, 79; No, 58; Absent, 14; Excused, 0.

79 having voted in the affirmative and 58 voted in the negative, with 14 being absent, and accordingly the House

RECONSIDERED its action whereby Report "A" **Ought Not to Pass** was **ACCEPTED**.

Representative CAIN of Orono **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought Not to Pass**.

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

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

ROLL CALL NO. 335

YEA - Annis, Austin, Ayotte, Barstow, Beaudette, Beaudoin, Beaulieu, Berube, Blanchard, Browne W, Cain, Campbell, Carey, Chase, Clark, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Driscoll, Duchesne, Duprey, Eaton, Eberle, Edgecomb, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Gifford, Giles, Gould, Hamper, Hanley S, Hayes, Hill, Jacobsen, Johnson, Jones, Joy, Kaenrath, Knight, Koffman, Lansley, Lewin, Lundeen, MacDonald, Marean, Mazurek, McDonough, McFadden, McKane, McLeod, Miller, Millett, Mills, Moore, Nass, Patrick, Pendleton, Peoples, Pieh, Plummer, Prescott, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Sarty, Savage, Saviello, Silsby, Simpson, Sirois, Smith N, Sutherland, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Tuttle, Vaughan, Walker, Watson, Weaver, Woodbury.

NAY - Adams, Babbidge, Berry, Blanchette, Bliss, Boland, Brautigam, Bryant, Burns, Canavan, Carter, Casavant, Connor, Conover, Dill, Faircloth, Farrington, Gerzofsky, Grose, Harlow, Haskell, Hinck, Hogan, Makas, Miramant, Norton, Percy, Pingree, Pratt, Priest, Rand, Schatz, Strang Burgess, Theriault, Treat, Trinward, Valentino, Wagner, Webster, Weddell, Wheeler, Mr. Speaker.

ABSENT - Briggs, Cebra, Cleary, Dunn, Emery, Greeley, Jackson, Marley, Muse, Perry, Pilon, Pineau, Pinkham, Piotti, Rector.

Yes, 94; No, 42; Absent, 15; Excused, 0.

94 having voted in the affirmative and 42 voted in the negative, with 15 being absent, and accordingly Report "A" **Ought Not to Pass** was **ACCEPTED**. Sent for concurrence.

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

REPORTS OF COMMITTEE
Divided Reports

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-931)** on Bill "An Act To Fund the Universal Childhood Immunization Program"

(H.P. 1603) (L.D. 2242)

Signed:

Senators:

BRANNIGAN of Cumberland
MARRACHÉ of Kennebec
RAYE of Washington

Representatives:

PERRY of Calais
JONES of Mount Vernon
MILLER of Somerville
BEAUDOIN of Biddeford
CONNOR of Kennebunk
WALKER of Lincolnville
CAMPBELL of Newfield
LEWIN of Eliot

FINLEY of Skowhegan

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

Signed:

Representative:

GROSE of Woolwich

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-931)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-931)** and sent for concurrence. **ORDERED SENT FORTHWITH**.

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-943)** on Bill "An Act To Implement the Recommendations of a Task Force Convened To Evaluate and Recommend Revisions Regarding the Statutory Definition of 'Service Dog'"

(H.P. 1648) (L.D. 2285)

Signed:

Senators:

STRIMLING of Cumberland

SULLIVAN of York

DOW of Lincoln

Representatives:

TUTTLE of Sanford

CLARK of Millinocket

THOMAS of Ripley

HASKELL of Portland

DUPREY of Hampden

BURNS of Berwick

JOHNSON of Greenville

DRISCOLL of Westbrook

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

Signed:

Representative:

HAMPER of Oxford

READ.

On motion of Representative TUTTLE of Sanford, the Bill and all accompanying papers were **COMMITTED** to the Committee on **LABOR** and sent for concurrence.

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

Representative **TUTTLE**: Mr. Speaker, if I am here for Roll Call No 500, I will not vote.

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

Representative **CLARK**: Thank you very much, Mr. Speaker. If I was here and present on Roll Call No. 330, I would have voted yes. Mr. Speaker, if I was here, in present, I would be voting on Roll Call No. 331, I would be voting nay.

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Friday, April 4, 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 (12) **Ought to Pass as Amended by Committee Amendment "A" (H-890)** - Minority (1) **Ought Not to Pass** - Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Directing the Department of Health and Human Services To Adopt Rules Governing the Use of Lakes by Licensed Child Care Facilities (EMERGENCY)

(H.P. 1417) (L.D. 2033)

TABLED - April 2, 2008 (Till Later Today) by Representative TUTTLE of Sanford.

PENDING - Motion of Representative PERRY of Calais to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report. (Roll Call Ordered)

The SPEAKER: The Chair recognizes the Representative from Somerville, Representative Miller.

Representative **MILLER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to just remind people about this bill a little bit, because you may remember the power went out right in the middle of Representative Perry summarizing this bill, from the committee's perspective. I will be very quick.

This is a bill that is transferring many of the rules that apply to daycare centers and swimming pools to the lake environment. However, a bill came to us in Health and Human Services that asked for a little adaptation of the rules for daycares that go to ponds and lakes out of rural areas, and as many of you know, not all of our daycares have pools and they do take children to ponds for a water experience. Almost all of the rules are the same: You have to have a water safety plan; the daycare has to have a specific staff ratio to kids; they have to have a trained water safety attendant, at least one; kids under age 8 have to wear a lifejacket, kids over age 8 have to demonstrate their swimming ability or they wear a life jacket. The difference is, in pools, if the depth is over 4 feet, you must have a lifeguard and that rule was going to apply as well to lakes and ponds with daycares.

What we suggested as a committee is that you demarcate an area where it is no deeper than 4 feet with those floats and ropes, and we also recommend that no child be allowed to swim unless there is signed parental permission. We really did sympathize with rural daycares that cannot access or afford a lifeguard in every instance, and, by the way, I suspect I have heard that there are lifeguard shortages. I think you will hear and have heard that there should be a lifeguard at all times, and I think the balance is what is prudent and what is perhaps a bit excessive. We did not want children in these rural areas not to have experience in bodies of water where they are growing up, because they do not always have a lifeguard, but there will be water safety attendants. It was a 12-1 vote, and I ask for your support. Thank you.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Driscoll.

Representative **DRISCOLL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I spoke on this

issue last week, and I am glad to see Representative Saviello from Wilton is here today, because, obviously, this is his bill and I think it is only fair that he hears whatever debate is going on. There are some issues around this bill and they are the reason I stood up to oppose it, despite the fact that it came out of the committee as a 12-1 vote, which is a pretty high bar to reach. And despite my vertical inefficiencies or handicap, I am still here speaking about the issue.

Representative Miller from Somerville spoke to a little adaptation to the rules that are currently in place. I just wanted to talk about the rules that are in place right now, and those rules came about because of an unfortunate incident that happened in my town last spring, almost a year to this date. I looked into what rules were in place, because of the toddler drowning in a daycare facility with a pool, and there were essentially no rules, guidance, or direction for daycares to follow with respect to the state overseeing licensing of these facilities. So I actually put in 1880, which passed in this House, and that actually directed the department to look into providing some clear, concise rules and regulations for daycares with swimming pools. The process was open; a number of you were at the process which was held at the department. I felt the department acted responsibly, they acted with open ears, they took constructive criticism. They worked with that criticism to craft rules that were not only appropriate rules for the safety of young children, but at the same time, they looked at how is this going to impact family daycare facilities with respect to cost.

The rules that are now in place, I think, they do bear efforts of compromise, and they did listen to the daycare owners and there were many of them that showed up and presented their concerns, and they did listen to them. But there is only so far that you can compromise on the rules without actually defeating the purpose of what you are trying to put into place, or have a negative impact on the people you are trying to protect. So currently, the rules that are in place speak specifically what Representative Saviello's bill speaks to, and I do not have the language in front of me, but I believe it is lakes and ponds or the rules in place currently do speak to those types of situations and the only difference between what daycare providers have to provide at the pool at their daycare, if they take the children to an open body of water such as a beach, a lake or a pond, they have to either go to one of those facilities that has a lifeguard at that facility, at the beach, the lake or the pond, or if they plan to go to one those facilities with an open body of water, they have to look ahead and provide a lifeguard to go with them for the safety of the kids that they are taking there.

My concern is that the committee, they took the rules that are currently in place and tried to adapt those rules to fit a totally different situation. And how they did that was to take a confined area, such as a swimming pool which is no deeper than 4 feet and no wider than 16 feet, and that is where they can use a person called a water safety attendant. Now the American Red Cross has informed me that a water safety attendant, and I misspoke last week, I said a water safety attendant received 5 to 10 percent of the training that a lifeguard receives. When I went back to my notes last weekend, they actually receive 3 to 5 percent of the training that a lifeguard receives. I have sent out some information here and you can see how much time a water safety attendant receives with respect to instruction, so if they receive 3 to 5 percent of a lifeguard, than I guess a 30 hours course, I guess you could figure how much instruction with respect to hours that a lifeguard would receive, it is a pretty significant difference. So with respect to, I think somebody had mentioned a lifeguard shortage, I did get some numbers from headquarters in Portland. I was told that, currently, there are 750

certified lifeguards in the southern sector. Well that sector ranges from southern Maine all the way to Jackman. I do not know why they consider that part of the southern sector, but I know there is also a mid-coast sector as well. I did call and talked to the person at mid-coast; he was going to get back to me, but never did get back with me, figures, with their sector, so I do not know how many lifeguards they have certified in the mid-coast sector, but I know there are 750 in the southern district. As well, the last salary survey that was done, because I know cost has been brought up as an issue, there was a salary survey done for lifeguards in Maine, in 1994. At that time, the average salary was anywhere from \$8 to \$12. The gentleman I spoke with me told me it was somewhere between \$12 and \$15 in today's market.

You know, my biggest concern is that we are trying to rearrange the rules, and at the same time we are reducing the requirement of the oversight that the experts say should be in place in this kind of a situation. The material I have sent around to you, you can see on there that it specifically says that water safety attendants are not to be used in this type of area, which goes from shallow to deep water, and the rules, as proposed to be amended, talk about an area that would be a barrier of some sort, or it sounds like all they are looking to do is provide a rope with some buoys on it. I am not sure if you could call that a barrier or not. Obviously, a toddler could slip under that quite easily. You do not have pool situations with respect to the clarity of the water. As far as a flat, level surface, a kid can obviously get on to uneven ground in a lake or a pond or a beach. So we are putting a person, a water safety attendant, we are actually putting them into a situation where they are specifically defined as not supposed to be at. I guess as a state and as a Legislature, we can pass whatever we want to pass for rules or laws. I do not see a problem with respect to the daycare owner, because they will just be doing what we are telling them they need to do. So they are going to provide, if the good Representative from Wilton's Resolve passes, the daycare owner, if they are going the beach, they will provide a water safety attendant and they will be within the laws, they will be within what our request asks. They are doing what they are told is the appropriate and the right guidance and direction.

Now my concern, one of my concerns, not only that we are going to tell them to use a water safety attendant, who by definition should not be in this position, but we are also, from my perspective and understanding, I think that we would be putting that individual in legal jeopardy if God—hopefully, nothing would happen—but if something happened to a child and there was a death due to water, and the water safety attendant was seeing that process, how is a court of law, how is a jury going to look on that when they look and see these people are specifically defined by experts in water safety as not overseeing this type of a gathering? That is just another one of my concerns. Even though it is a 12-1 Report, I stand steadfast against the direction we are going. I think the rules we have in place we passed, were fair, the process was open, the process was transparent. Did everybody think they were good and the right thing to do? No. But they were open, there was compromise, I think everybody was heard, and we tried to come up with the best process that had the greatest, safest impact on young children and toddlers at beaches and around water. So with that, Mr. Speaker, Ladies and Gentlemen of the House, thank you very much for the opportunity to speak.

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

Representative **PLUMMER**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Representative Miller

did an excellent job giving a synopsis of the new rules that are proposed. The only thing I would like to add to that is the containerization, the use of the buoys with the ropes does create containerization, and it makes it very similar to the rules for swimming pools. I have been involved with this issue and I think I have attended every meeting that was held regarding this, and I am absolutely convinced that the Department of Health and Human Services has developed rules that are safe and effective and allow swimming in pools. The new proposed rules extend that to lakes and ponds. They are very safe rules, and in the State of Maine with our abundant lakes and our rural nature, lifeguards are not available in all areas of the state, so it is not a matter them having to hire a lifeguard, it is a matter of them being able to swim in a childcare facility or not being able to swim. I believe the rules that have been developed are safe and reasonable and that the children will be safeguarded with these rules, it is absolutely necessary that we adopt these rules, and I would urge you to vote in favor of them Majority Report. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Saviello.

Representative **SAVIELLO**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I appreciate Representative Driscoll's comments and his concern for safety, and Representative Miller, as she explained, we went through these rules. I wish I could stand here in front of you and say we do not need any rules. I hate rules. I wish we all could say that common and sense would work and prevail. I would also sit here and say, in this particular case, we do not have pools, we have lakes, and it is even more difficult for the municipalities to get lifeguards to show up there, so they do not have them. No matter what we do today, kids are still going swimming, and I just know that is going to happen. Why not give them at least a set of something that we can protect the children with, and that is why I have asked this to come forward.

As we look at more and more outdoor activities become less and less for our kids and they are more interested in staying home and play videos, let's not take swimming away from the rural areas. I would appreciate your support on this bill. Thank you, Mr. Speaker.

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

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

The SPEAKER: The Representative may pose his question.

Representative **TUTTLE**: Thank you, Mr. Speaker. My question is that after listening to the sponsor, was the reason why this legislation was presented was to save money, or maybe he could go into details on why the legislation was initially proposed in this area.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Saviello.

Representative **SAVIELLO**: Thank you, Mr. Speaker. I will attempt to answer that question for Representative Tuttle. There was no attempt to save money on this question; this is simply to allow kids to go swimming in rural areas. We do not have pools, we do not have lifeguards. That is why. Thank you very much, Mr. Speaker.

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

Representative **TUTTLE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I had not planned to speak on this; I know we have heard that before. But having been an old lifeguard back in my previous life, and having been an emergency medical technician for 30 years, Representative

Driscoll is also a nurse, I think the thing that would always stick out in a health professional's mind is having to deal with a drowning and dealing with a young person's drowning, something that will live with you for the rest of your life. I have had a number of instances, I had mentioned that I can remember guarding at different sections seeing a whole busload of kids come down, young kids, and you watch them all go in the water and all their heads are popping up and down, and it is your responsibility to make sure they do not drown, you go in there and you pull three or four. The statistics are there. For guarded beaches in this state, I don't think there was been a drowning in years, and there is a reason for that: It is because they are trained properly. Drowning for children under 12 years old is the number one death instance in this country; it has not changed for 25 or 30 years.

Now as far as a matter of affordability, most Red Cross courses are free; the only thing you have to do is buy a book. I do not see any problem with the facility daycare provider having one person go to those classes, because a Red Cross certified lifesaver, it has been working for years, and I mean I realize in rural Maine, we want to go places. Southern Maine we have just as many places. Where I grew up, we swam, but I can tell you that I have strange feelings, having been professional in this area for 30 years, that if you pass this, next year we are going to come back, like what happened in Westbrook, and there are going to be 5 or 10 situations where a kid almost drowns or does drown. I can tell you that having worked in this area. I think that it only makes sense that we do have these courses, and for that reason, I would move Indefinite Postponement of this bill and all its accompanying papers.

Representative **TUTTLE** of Sanford moved that the Resolve and all accompanying papers be **INDEFINITELY POSTPONED**.

Representative **SAVIELLO** of Wilton **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Resolve and all accompanying papers.

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 Kennebunk, Representative Connor.

Representative **CONNOR**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise, unexpectedly, in favor of the Indefinite Postponement of this bill. As a member of the Health and Human Services Committee, that I affectionately joked and described as consensus mongers just the other day, I applaud the hard work that they did on this bill. It was close to a Unanimous Report, as you know from the numbers, but, ultimately, through reconsideration, I feel it ought to become an Ought Not to Pass. I also applaud the good work of the Representative from Westbrook, as well as my esteemed colleague from Wilton. But to say that an open body of water that has buoys and rope at the top of the water is somehow a contained area, as a father of six kids, unless I am using duct tape, I do not consider that a contained area. Children can pretty easily swim under those ropes. Now, I do not want to see kids become obese because they are not able to swim in a rural area. I want to get them outside; I want to get them as active as the next guy. But I do not want to see a child drown because a rule that we enacted, a rule that we put forward that goes against what American Red Cross suggests is the best practice, what the American Academy of Pediatrics, Dr. Brenner, suggests, that close supervision on any water is essential, but inevitable absence will occur—we all know that—but the presence of a lifeguard increases the likelihood of a favorable outcome. It does not say that a presence of a water attendant increases the likelihood of a favorable outcome. For that reason, I will vote in

favor of the Indefinite Postponement, and I would ask that you follow my light. 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 believe the intent of the bill that Representative Saviello presented was to give families guidelines to follow. I think his concern is that we do have very small daycares in rural Maine who will be taking their children swimming. This simply gives them safe guidelines to follow, and I believe that was the intent of the bill, and I do not think any of us ever want to do a bill that we think is going to put children in harm, but I do ask you to give this consideration. By putting this bill forward, we are giving them specific instructions. Thank you.

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

Representative **BRYANT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this motion of Indefinite Postponement. I am a sponsor on this bill, and I think the committee speaks for itself with a 12-1 Report. I do not think they felt they wanted anyone to be in jeopardy. They discussed this, they understand the gravity of the possibilities, and I suggest that you follow my light and vote red on this motion and get on to the bill. Thank you.

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

Representative **SIMPSON**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I had a very safety conscious parent, and my mother would never let me go swimming without one of my parents being present. One time, I just begged and begged because our across the street neighbor was going to Taylor Pond. "Mom, it is so shallow." "It is so shallow you have to walk and walk and walk to get out over your head." And so she let me go. My mom is a nurse and much to her horror that day, a young blond child was brought into the hospital who drowned at the very beach where I was swimming with my neighbor. The water was not deep enough, you would think for someone to drown, but she wandered over to the side where it was uneven and there were weeds and she fell in, fell over and did not get up, and never got up.

So I will support the pending motion because, I think if you run a daycare, you should bring the children to a place where there is a lifeguard or provide a lifeguard, because if a child does fall under in murky water and it takes a bit of time, more training may make the difference between life and death for that child. Mr. Speaker, may I pose a question through the Chair?

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

Representative **SIMPSON**: Thank you, Mr. Speaker. I understood in caucus and I heard reference to the fact that there are already rules, and I was wondering if anyone could answer for me if there are rules in place without this bill. Thank you.

The **SPEAKER**: The Representative from Auburn, Representative Simpson has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Wilton, Representative Saviello.

Representative **SAVIELLO**: Thank you, Mr. Speaker. I will answer the question, and then I would like to speak. The question is, yes, there are rules and that is what requires a lifeguard, that is what we are trying to change, so thank you.

I would just like to point out two clarifications: One is remember the children have to wear a lifejacket, and number two, the safety attendant needs to be in the water with the children. It does not stand on the sidelines and there are a number of

parents or other helpers that need to be available during that time. Thank you very much.

The **SPEAKER**: The Chair recognizes the Representative from Westbrook, Representative Driscoll.

Representative **DRISCOLL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. What I was going to say is this bill isn't specifically about daycare owners or daycare facilities. You know, this bill is about parental involvement, parents having some sense of safety for their children, and, obviously, it is primarily about the kids' safety themselves. I mean parents expectations are high nowadays, they expect daycare owners to provide their kids with developmentally appropriate systems in place so they are not just sitting at a TV all day, or they are not just hanging around the house and eating meals, that they are actually doing something that helps them grow and that is specific to their age needs. I think that is what the expectations of parents are nowadays. I think this bill wouldn't give parents the sense that they are being providing the best practice or the best standards that could be in place for their kids, if they went to a lake, a beach or a pond, or an open body of water. With that, thank you very much.

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

Representative **CAMPBELL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I did not get home until Saturday morning. I think it is time we stop all of the storytelling about when we were kids and this that and every other thing. We have a lot of important business to do here before we go home, and I think we should take the roll call vote that was asked for. Thank you.

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

ROLL CALL NO. 336

YEA - Canavan, Casavant, Connor, Crockett, Driscoll, Duprey, Jacobsen, McLeod, Pendleton, Peoples, Savage, Simpson, Tibbetts, Tuttle, Webster.

NAY - Adams, Austin, Ayotte, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Browne W, Bryant, Burns, Cain, Campbell, Carey, Carter, Cebra, Chase, Clark, Conover, Craven, Crosthwaite, Curtis, Dill, Dunn, Eaton, Edgecomb, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Flood, Gerzofsky, Gifford, Giles, Greeley, Grose, Hanley S, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Johnson, Jones, Kaenrath, Knight, Lansley, Lewin, Lundeen, MacDonald, Makas, Marley, Mazurek, McFadden, McKane, Miller, Millett, Mills, Moore, Nass, Norton, Patrick, Percy, Pingree, Plummer, Prescott, Priest, Rand, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Saviello, Silsby, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Treat, Trinward, Valentino, Vaughan, Walker, Watson, Weaver, Weddell, Wheeler, Woodbury, Mr. Speaker.

ABSENT - Annis, Babbidge, Barstow, Cleary, Cotta, Cray, Duchesne, Eberle, Emery, Gould, Hamper, Jackson, Joy, Koffman, Marean, McDonough, Miramant, Muse, Perry, Pieh, Pilon, Pineau, Pinkham, Piotti, Pratt, Rector, Sarty, Schatz, Sirois, Smith N, Wagner.

Yes, 15; No, 105; Absent, 31; Excused, 0.

15 having voted in the affirmative and 105 voted in the negative, with 31 being absent, and accordingly the motion to **INDEFINITELY POSTPONE** the Resolve and all accompanying papers **FAILED**.

The SPEAKER: A roll call having been previously ordered on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report was taken now:

ROLL CALL NO. 337

YEA - Annis, Austin, Ayotte, Barstow, Beaudette, Beaudoin, Beaulieu, Berry, Berube, Blanchard, Blanchette, Bliss, Brautigam, Briggs, Browne W, Bryant, Cain, Campbell, Carey, Carter, Casavant, Cebra, Chase, Clark, Conover, Cotta, Craven, Cray, Crockett, Crosthwaite, Curtis, Dill, Duchesne, Dunn, Eberle, Edgcomb, Faircloth, Farrington, Finch, Finley, Fischer, Fisher, Fitts, Fletcher, Gerzofsky, Gifford, Giles, Gould, Greeley, Grose, Hamper, Haskell, Hayes, Hill, Hinck, Jacobsen, Johnson, Jones, Joy, Kaenrath, Knight, Koffman, Lansley, Lewin, Lundeen, MacDonald, Makas, Marean, Marley, Mazurek, McDonough, McFadden, McKane, McLeod, Miller, Millett, Mills, Miramant, Moore, Nass, Norton, Patrick, Percy, Pieh, Pingree, Plummer, Prescott, Priest, Rand, Richardson D, Richardson W, Rines, Robinson, Rosen, Samson, Sarty, Saviello, Schatz, Silsby, Smith N, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Treat, Trinward, Valentino, Vaughan, Wagner, Walker, Watson, Weaver, Weddell, Wheeler, Woodbury, Mr. Speaker.

NAY - Adams, Babbidge, Boland, Burns, Canavan, Connor, Driscoll, Duprey, Eaton, Flood, Harlow, Hogan, Pendleton, Peoples, Pratt, Savage, Simpson, Sirois, Sutherland, Theriault, Tuttle, Webster.

ABSENT - Cleary, Emery, Hanley S, Jackson, Muse, Perry, Pilon, Pineau, Pinkham, Piotti, Rector.

Yes, 118; No, 22; Absent, 11; Excused, 0.

118 having voted in the affirmative and 22 voted in the negative, with 11 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-890)** was **READ** by the Clerk.

On motion of Representative PINGREE of North Haven, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-890)** and later today assigned.

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

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-901)** - Minority (5) **Ought Not to Pass** - Committee on **LABOR** on Bill "An Act To Ensure the Freedom of Family Child Care Providers To Jointly Negotiate with the State"

(H.P. 1481) (L.D. 2095)

Which was **TABLED** by Representative TUTTLE of Sanford pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

Representative **DUPREY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. We have before you a bill today that I had never in a million years ever thought we would be debating down here in Augusta.

Growing up in a union household, my dad was a teamster for 25 years. I have always been a strong union supporter through my childhood, because, obviously, it was the bread and butter of growing up and it was always about the employees' rights, the right to unionize, make sure of an honest day's pay or an honest day's work. I have always been a supporter of good, honest labor until this bill comes in front of us to take self-employed childcare workers, people who are in business for themselves, who make a decent living with no overhead in their home—I used to be one; I did very well as a home daycare provider, as most

do. We are not talking about employees here at all; they are not covered under this bill. It is specifically carved out for private business owners—people in business for themselves, self-employed people—to unionize them and give them a false sense of security. They are actually going to have power to negotiate with the state on something that the market forces dictate what the prices are. You see, they send us a survey every October and say how much do you charge for childcare, and they set their prices based on the market rate of that area. Areas like Cumberland County have a much higher reimbursement rate than areas like Washington County, because it costs more for childcare down there, and they are paid those prices. What we have here is a price-fixing attempt in order to bring prices up.

This bill is similar to—let's say doctors want to get together and they don't like the way MaineCare reimburses doctors, so they are all going to unionize to try to price fix to get more money reimbursement back from the state. That is exactly what is going on here. It is unbelievable. We are telling these childcare workers to unionize. Now, granted, if this bill passes, I am going to make a pile of money off of it in my childcare centers because, if you do end up paying daycare centers more, more is going to come to me too. So if you want to put more money in my pocket, go ahead and vote for it, but I will tell you that I am very adequately compensated by the state for my childcare—very adequately: They pay a 100 percent of what we charge, we get reimbursed, so do most childcare centers. So you are putting money in the pocket of childcare centers that may or may not need that extra money. These are private business owners. I have had several complaints of the unions calling them, promising them healthcare insurance if this bill passes, to call you guys, as Representatives, to help pass this bill so that they can get health insurance. Some states have actually passed that, so there may or may not be a huge fiscal note down the road because they are always going to be wanting something from us. These are private business owners; these are not the employees that make \$7 or \$8 an hour. These are the self-employed people that make \$40,000 or \$50,000 a year working out of their house with no overhead whatsoever. They are not paying anymore-electric bill, they are not paying rent, they work out of their house. I was one of them, we did very well. Most of these people have no education, so \$40,000 to \$50,000 with a high school education is a very nice income in Maine. Plus it is all tax-deferred; you have huge tax benefits of working in your house.

This is really a ludicrous way to increase union membership in Maine. Union membership has been declining rapidly for the last few years, and here is a way for them to get 2,000 members overnight, half a million dollars worth of union membership dues a year. I don't even know where to start because it is just insane that we would even be having this debate. It is probably the stupidest piece of legislation I have seen in my eight years here, I must say that. But if you guys want to give me a huge raise, I will spend it, in New Hampshire probably, because that is probably where I will be living when I get out of here because there will be nothing left for me here. But go ahead and vote for it if you want to that and I am getting to the point where I just don't care anymore. I have been here eight years and I have seen too many stupid things happen here, I am just glad that I am not going to be a part of it much longer. I request a roll call, Mr. Speaker.

Representative **DUPREY** of Hampden **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 Sanford, Representative Tuttle.

Representative **TUTTLE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The bill before you provides for collective bargaining between the state and family childcare providers, in order to improve the quality of childcare services in the state. This amendment further delimitates the process and specifies the issues of mutual concern that are subject to collective bargaining between the parties. It also ensures that the Department of Health and Human Services and the family childcare providers and collective bargaining agent work collaboratively in establishment in this relationship.

We received much testimony from the hearing. The bill is sponsored by our good Speaker and the President of the other body, supported by the Maine Women's Lobby, the MSCA, the Quality Early Care people around the state, and I have received numerous letters from childcare providers from around the state who are surveys of which the great majority of, 86 percent, voted yes to go forward.

If the passage of this bill does occur, it is my opinion and the majority of the Labor Committee is that it will give family childcare providers a voice in determining the rules and laws that regulate them. It will improve the quality of childcare; it will eliminate isolation of the profession and provide for a formal structure to connect providers across the state. This information was given to us at the public hearing, and I think that the isolation sometimes of this profession is really heard in getting people who are actually willing to do this and stay in the profession. It also will increase enhanced dialogue with the state, and it will limit the state involvement only in collective bargaining. It will become part of a collective bargaining system that has historically worked in other sectors, not looking to change reimbursement rates, but to have a meaningful dialogue over the delivery of childcare services.

From our research, Washington State has improved communications and output and decisions on working and state agencies. With similar legislation, Washington State has helped to relieve an infant care shortage through an incentive program. The State of Illinois has adopted a similar program; the State of Oregon; Massachusetts has awarded the workforce education grant to improve training, to improve computer skills, to make childcare business more efficient and devote more time to the children of Massachusetts. I think it has worked other places; it can work in the State of Maine. I would ask that you support the Majority Report, Mr. Speaker.

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

Representative **THOMAS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I thank God my children are grown. When I think about the cost of raising children today, the cost of housing, the cost of providing health insurance, the cost of the taxes that working families have to pay, the fuel to stay warm and get back and forth to work, I cannot imagine what those working families are going through. And they are some of the poorest people among us, because every time you turn around, the children need something, and it is so hard to make a decent living in Maine, how do you afford to raise a family? How do you afford to raise a family in the State of Maine today when you look at all of the costs? Then add hundreds of dollars a month in childcare costs, and talk to your constituents who are paying for childcare. It is expensive, and we are going to add to that cost? We are going to add substantially to that cost, and I just do not understand how we can do this to people who are working so hard just to get by. And it flies in the face of reason that it is going to improve quality. I think if you stop and

think about it, you know better. Please vote against this. Thank you.

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

The SPEAKER: The Chair recognizes the Representative from Oakland, Representative Conover.

Representative **CONOVER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. With all due respect, let me tell you about the costs of not being able to go to work because you do not have access to childcare. Ladies and gentlemen of the House, we have a 20,000-slot shortage of childcare in Maine. That number is calculated only in those situations in which both or every adult in the household is working. So whether there is a single parent, as in my household, or two parents working, that 20,000-slot shortage is based on every adult in the household working.

So let me tell you a little bit about the cost of not being able to work when I moved back to great State of Maine to raise my son: I was having a hard time finding any open slots in the greater central Maine area, within a radius of 20 miles of where I was working. What I found out was, well, we have waiting lists for eight or nine months. Well guess what? When you are single parent and you want to go back to work and you are lucky enough, like I do, to have the skills of education to do so, to be competitive in the marketplace you need to have your child cared for when they are nine months old or four years old before they go to school. So if we want to talk about cost, let's talk about cost of not having any availability of childcare in the area, an eight or nine month waiting list. Let me tell you: I was very pleased that I finally found a wonderful caregiver who keeps children in her home, small setting, a very quality, and loving, nurturing environment; I am very blessed to have found that. But if we are going to talk about cost, and we want to encourage people to go to work and contribute to the economy, we need to have quality care for our children in order to work. Thank you, Mr. Speaker.

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

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

The SPEAKER: The Representative may pose her question.

Representative **LEWIN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to know precisely how the quality of care given by these private providers, self-employed I might add, is going to be improved by unionizing those providers. I don't get it, and perhaps I am being a bit of a dolt today, but I really just do not get it. So that is one question.

The other is I would like to know if there is any truth to the conversation circulating through the halls that these people are eventually going to get healthcare provided for them. That is a real concern to me and it is a whole lot of money. So I would love to have someone answer those questions for me. Thank you.

The SPEAKER: The Representative from Eliot, Representative Lewin has posed two questions through the Chair to anyone who may care to respond.

The Chair recognizes the Representative from Farmington, Representative Mills.

Representative **MILLS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I had some concerns

about the bill, as originally drafted, myself, and have carefully reviewed the Committee Amendment. I support the Committee bill. In answer to the gentle lady's question, there is nothing in this Committee bill about providing health insurance to any segment of the population. This has to do with negotiating with the state by family childcare providers, and I did not know that that was a term of art, but it is and it is defined in Title 22, I have looked that up, and certain kinds of daycare providers, certain sizes and certain aged kids and whatnot, and this applies to them if they receive vouchers from the state and state subsidies. This allows them, because they are not as powerful as doctors and hospitals and lawyers and other organized interest groups. They don't have a lobby, they don't have an association with highly paid lobbyists, and so this allows them to have a voice. In a sense collective bargaining is almost a misnomer is some respect, because it has somewhat to do with payment of reimbursements, but more to do, I think, with training requirements and quality of care, and what it takes to be a daycare provider, childcare provider in this state. What should the state require of those who are paid by the state to provide childcare for children? It has to do with when they may expect payment and how they can grieve issues with the state.

A lot of non-monetary issues are incorporated in this bill. It also indicates very importantly, two things to me: It says the bill "does not preclude the parties from jointly establishing rules and procedures to govern their relationship in lieu of the procedure set forth in this subsection." So this bill allows and promotes what we ought to expect anyway and that is for people who are receiving certain kinds of funds from the state, to be able to negotiate with the state about what the quality of care will be, what the training requirements will be, how many kids per home, how many bathrooms and that kind of thing, of basic items that we hear a lot when we go door to door. We hear a lot from daycare providers that the state is being mean and lean and tyrannical sometimes, and maybe they ought to voice, maybe the state is being unreasonable in imposing certain requirements on family daycare providers.

The bill also says, importantly to me, that any cost items agreed upon in collective bargaining between the parties, must be submitted to the next operating budget, etcetera, and if the Legislature rejects any of the cost items submitted to it, all cost items submitted must be returned to the parties for further bargaining. So, importantly to me, as a member of the Appropriations Committee, this does not in any respect bind the State of Maine, or the Legislature, on any cost items. So with those caveats, I certainly support the concept and the language of this bill as currently drafted.

The SPEAKER: The Chair recognizes the Representative from Newcastle, Representative McKane.

Representative **McKANE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have been a member of several labor unions, and I believe in collective bargaining and our right to collectively bargain, but this goes beyond where we have ever gone before in this direction. This is new territory. You know, it used to be that when workers for a company wanted to collectively bargain, they approached the union, or if a union wanted to enlist some workers to become under their care, they went to the workers. This is the union going to the Legislature and saying make those people become part of our union, whether they want to or not, and it is a lot of money that would be extracted from the daycare workers, \$8, \$9 or \$10 a week from the owners of these businesses, which will amount up to a windfall for the Maine State Employees Association. I hope we can reject this bill; it just does not make sense. 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. Let me see if I got this straight: We are going to make these business owners, state workers, for the purposes of forming a union, to negotiate with the state. We are going to have the members, the owners that are not wanting to be members, we are going to ask them to pay dues as well. We are going to do this because the state is not acting responsibly. Well, I would suggest that we would better use our time and efforts to make sure that this state does act responsibly. Thank you, Mr. Speaker.

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

Representative **BRYANT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in favor of this bill. I think that it will help bring all the childcare providers together for a common cause. I think that in itself will give us and our future generations a lot of help. I think it will actually decrease the cost of the families because they will be able to pool their understanding and their resources, and lower the cost to our families that are asking for daycare. Thank you.

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

Representative **SILSBY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this piece of legislation, and I want to tell you why.

There are two primary reasons why I rise in support of this: First is I have had the great pleasure of serving on the Commission, looking at early childhood development, and learned through my experience there that 85 percent of brain development happens before the age of 3. Again, that is 85 percent; 90 percent before a child even enters kindergarten. For me, I think it is really important that we look at our resources, in particular, and put them toward the time that has the biggest bang for the buck, so to speak. How that relates to this particular bill is, it is critical that children in this age group get the highest quality care—critical. It actually will lead later on to better economic policies here, I guess, in our body because research shows that once a child has quality care, it saves \$88,000 per child on later budget challenges, in terms of criminal justice system or also through social services. I believe that this is going to add to the quality, because I think we are going to provide eventually some incentives, potentially even some tiered reimbursement for those places who do invest in educating their workers, or who invest in educating themselves, to make sure they are doing the best possible practices to really encourage high-quality brain development for kiddos.

The second piece I just want to quickly say is that I believe this is going to provide a voice for people who work in an industry that really is about one to two people, most often, who are working in isolation, on their own, and have a really challenging time getting themselves to the State House to be able to advocate for their industry. I believe it is very important that they have a unified voice. We passed a couple of pieces of legislation that I heard from my constituents on some challenges that they faced in meeting some of the regulations that we passed, and they were unable to be able to provide the voice until the bill was passed. This would be able to empower these particular people—primarily they are women who are in an amazingly challenging and most important industry that I think we need to support—so I am going to vote in favor of the Ought to Pass as Amended Report, and I hope that all of you will join me on that. Thank you.

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

Representative **DUPREY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I apologize for my craziness before, but this place does make you crazy. Just a couple of things to clarify, I agree a lot with what the other speakers have said. I mean quality childcare has been my number one mission every since I started in the childcare business 10 years ago. I have the largest childcare center chain north of Portland, I employ over 60 people; have almost 300 children in my care. It is very important to me. I try to look at this bill through both sets of eyes. As a parent of five children myself, I try to see it as if I am bringing my children to a home daycare, how would I want this bill to affect me. I looked at it as a home provider, which I used to be before the kids destroyed my house and I got tired of that. So I looked through those set of eyes. I also looked at it from a business owner of a large childcare business, how it would affect that, and I have been that voice down here for eight years and I am leaving, so I do know that daycare centers need a voice. So I have looked at it through those eyes too.

The problem is Maine Childcare Directors' Association does have a lobbyist down here, they do lobby. There is the Maine Family Child Care Association; they have their own lobbyist. They also have Maine Child Care Advisory Council, which I sit on, which proposes lots of legislation. There is a Governor's Council on Child Care, which a lot of legislation has come out of that, so there are issues. I agree, I have been the one to have to push these issues sometimes when the Department pushes back, but let me address some of the concerns.

I do see a couple of positive things, I will admit, but the negative ones I see. First one: The vote was 86 percent. They surveyed 2,200 home daycare providers; 86 percent says, yes, we want to unionize. But that number is a little skewed because they did a media campaign before promising the world if they vote yes: possible health insurance, your market reimbursement is going to go up. I would have probably said yes, because that is how good it was, and they will not give me a copy of what they sent out. They just said, yes, we sent out to them all the benefits of doing it, but I did hear from several childcare workers who told me they said, yes, health insurance could come—could—your rates could go up—could—so those promises are going to skew the numbers.

Now quality, I think quality could be seriously diminished if this bill passes, and let me tell you why: We know how hard it is to get a union worker terminated in employment when they are a poor worker; it takes an act of Congress and God to get them out. What happens if you get a poor childcare center, the owner happens to be big in the union and they have a program where the kids are in danger? You are never going to be able to go in there and shut them down. The union is going to go in there, they are going to work with the state, and they are going to make sure they stay open. That is a huge concern of mine when it comes to the safety of children, that sometimes interest of the union will be put ahead of the children and the safety.

Another problem I have is fair share provision. If you have a home daycare provider, a business owner who is in business for them self, who is trying to make a living taking care of children, we are going to force them to pay \$10 a week homage to the unions, even if they do not want to join this? That is insane. If they want to voluntarily comply, then I would probably support the bill. But to mandatory make them pay \$500 a year to belong to a bargain unit that may or may not ever get any benefit whatsoever from, that is just ludicrous to me. So I could probably support provisions of the bill had that not been in it, but they want to take

this money from people whether they want to or not, and every one of these people in this room has childcare centers in your district, so we are all affected by this one bill. I tell you, once those things start coming, once they start having to pay this bill, you are going to get some phone calls because they are not going to be happy about paying something. Because in that letter that was sent out, they never mentioned they would be forced to pay dues, because I have asked several childcare centers and they have no idea that is coming. And when I told them that would be happening, they said, you know what, I would not have voted yes if they would have told me that. So sometimes your people do not know all of the facts. When you give them the facts, the decision will be a little bit different.

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

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. First, I think there is something, I hope, that the good Representative from Hampden is incorrect about, and the second I know he is. First, he said, "I would probably be living in New Hampshire", and I have to say I would have been surprised years ago, but I think Representative Duprey is a good friend and someone I will surely miss when this session is over, and I feel sad about the thought of him leaving the State of Maine. When he used that language about stupidest piece of legislation in years, I have to respectfully say I think that went a little over the line, and I think there is a lot of value in this legislation and I want to just cover a couple of points, with all due respect.

First of all, there is a talk about folks making a lot of money. The reality is, from the State of Maine's own figures, that in this category of provider, we are talking about an average income of \$16,000 a year—\$16,000 a year—to do what arguably is the most important work in the entire State of Maine. I just think it is valuable to place a value on that.

Then as far as what people are going to get from their benefit, why did they vote for 86 percent, let's just look at some of the things that actually happened when this occurred in other states: In Washington State, they improved communication and input and held regional meetings; they helped relieve an infant childcare shortage; they improved the quality rating system; they had accurate and timely payments from the state—you can understand how that sometimes does not happen—and was improved. They did a lot of things with workforce education grants, and these all happened in Washington State, Illinois, in Oregon. These were really positive changes.

Representative McKane mentioned about this somehow being unprecedented. They did this with personal care attendants. It is a reasonable measure, you can understand why these folks would want to participate in it. They did vote to participate in it. You are talking about folks who are not the wealthiest or have the most leverage in our society. They want that chance to have a collective voice. It makes sense to do that. So I hope we kind of step back from some of the more harsh language and look at what this really does, and what we have seen from other states. What we have seen from other states is a tremendous amount of benefits. So I am sure with all of that, now that he is getting ready to leave, that my good friend from Hampden, Representative Duprey, will be eager to join me in support of this measure. I thank the Men and Women of the House.

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 received a letter from a constituent of mine, her name is Amy Dwyryn, and she writes me that she hopes that we support LD 2095, An Act to Ensure the Freedom of Family Child Care Providers. She says:

"I cannot be here today at the public hearing because I care for six children in my home. I have been a provider for five years. It is a job that I love and I could not imagine doing anything else. I started babysitting for neighborhood children when I was 12. I always knew childcare was for me, especially since I grew up in a home with a family childcare person. My mother opened her childcare when I was three years old. At the age of 56, she is still at it and loves every moment. It is a job that can be very challenging; however, this can also be a very rewarding job."

What she says, what she likes about the bill is, first, if it succeeds, "because I feel we need to have a better voice in Augusta." "As stated before, my work as a childcare provider often means that I am unable to be free and attend midday or weekday meetings that are held in Augusta. If I closed my daycare for everyone to attend the meeting, that would mean I would leave six families without any daycare."

"Another reason I would like to see the bill succeed is because we all have a significant impact on our children. We care for and deserve to be well prepared, to offer them the best care we can. We are all integral members of our communities, and some of us are active members in organizations throughout our communities. We deserve to have a voice, we deserve to be heard. LD 2095 is one more step in building a strong voice for those who are family childcare providers. We look forward to working with you and rest of the Legislature to make childcare in Maine even stronger," and that is why she is supporting LD 2095, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Newcastle, Representative McKane.

Representative **McKANE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I apologize, first for getting up a second time on this, I will be very brief. A rhetorical question: which independent business group is next? This is uncharted territory where the Legislature is going out and simply saying, you now have to be unionized, never happened before.

The other thing, this bill is about money. We have a labor union that would get a windfall if this passes. Thank you, Mr. Speaker.

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 rise in support of the Majority Ought to Pass as Amended, and I guess I may attempt to answer the rhetorical question of the good Representative from Newcastle. To my knowledge, no other group has come to us and requested to be unionized. So I suppose that this body, if a group came forward and said there are things we need to do as an entity that are driven by the state, and yet I am not available Monday through Friday, six months of the year and four months of the year when this body is in session to come to your committee room and talk to you, and so, by golly, I need someone there that can be a consistent, strong voice or me and for the people who work with me. So if another group came along, boy, I guess we would have to make that decision then. But before us right now is this group, a group of childcare providers who, if they did decide I am closing shop, am going to Augusta, and I will stay there until this bill passes, well when they do that and they say to those parents of those children that are in their daycare, I am not in this week and I don't know when

Augusta is going to finalize this bill, so I'm just going to stay up there at the Econo Lodge and wait, and I will let you know when I am coming back when I know when I am coming back, and he parents of those children will miss work. So there is a downstream economic effect of just saying leave us alone, let it be.

A few moments ago, we had a bill go through and I rose in favor of Indefinite Postponement, and I got thumped 105-16, congratulations. Now one of the biggest elements missing from that discussion with the pools, and missing from that discussion with the lakes, was a concerted voice of the providers. The Department was there, some of us legislators were there, maybe a few of very engaged individuals from the childcare arena, such as the good Representative from Hampden, were there. But family childcare providers, they couldn't be there, because they need to be back with the children allowing our economy to keep going forward and having people work. I will support this Majority Ought to Pass; I hope all of you will as well. 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 am not on the Labor Committee and I don't have a childcare business at home, but the one question that strikes me here with this bill is, if I own a childcare provider business, what if I don't want to be a part of the union? What if I don't want to pay dues? There is no opt-out provision in this bill. We are unionizing an entire industry. And to advance the argument, well people have come to us and have asked for that, I don't believe that for a second. We have heard about all the types of information that has been sent out in surveys, and then the question is posed, would you like to unionize, given the set of facts. That is not evidence enough to nationalize or unionize an entire industry. If I am a childcare provider, I want to be able to say yes or no, whether I want to be a member of this union or not. There is not provision in this bill for that, and I would urge you to vote against the pending motion, Mr. Speaker.

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

Representative **BERRY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I also rise in support of the pending motion, and just to clarify a couple of misconceptions that may have been brought forward. First of all, regarding precedent, I think we have a precedent already organized for SEIU in personal care attendants. There was a time when they were unorganized. Since they were organized, low-income folks have received some help and there has not been any disaster, to my knowledge, as a result of that.

Another issue that has been raised is this concept of price fixing or raising wages for family childcare providers, and I just want to put that in a little bit of perspective: I actually do not think this will have a great impact on the incomes of family childcare providers, and I think that is frankly unfortunate, because right now, based on the Department of Labor figures, family childcare providers are making, on average, \$16,000 a year. That is less than a pedicurist in Maine, typically, and that is less than a typical dog groomer. Now my colleague from Augusta, Representative Silsby, has spoken to the immense return on economic investment that comes as a result of appropriate, proactive childcare and the extraordinary importance of this early education for children. I think we are all aware, having lived with young children, that they learn fast, but when you look at the economic research in this area and a 1 to 17 return on investment, you start to think differently about it. I think it is important to keep that in mind.

Thirdly, it was mentioned that there is a lobbyist for family childcare providers. I am quite confident, having looked into it, that that is not the case. There is a lobbyist for the center directors, but they are distinct from family childcare providers. The Maine Family Child Care Association has no lobbyist in these halls. I thank you, Mr. Speaker.

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 just want to correct a couple of statements that were made earlier in the debate. I have such daycare providers in my district, and I have spoken to them, as you would imagine that I would in being an activist legislator wanting to speak actively on the floor. I have seen the literature that they have received from the union, I have seen with my own eyes the literature that they have received from the union, I heard them with my own ears when I spoke to them. The information that they received spoke of dues and agency fees, they know about it, the people that we are talking about that would benefit from this. They know about it, I know about it, and I support this bill.

Regarding another correction, it was eluded to that there may be diminished quality of service as a result of becoming a member of a union. And the statute before us clearly carves out language that already exists. These licenses can be revoked, they can be revoked for poor quality of service, and as a parent using this service, I am certain that I would want to know that quality to my children is preserved, so I can assure you that this bill would not harm quality or force something upon providers that they are not aware of, so I support this effort. 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. 338

YEA - Adams, Babbidge, Barstow, Beaudoin, Berry, Blanchard, Blanchette, Bliss, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Campbell, Canavan, Carey, Carter, Casavant, Clark, Connor, Conover, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Gifford, Harlow, Haskell, Hill, Hinck, Hogan, Jackson, Jones, Kaenrath, Koffman, MacDonald, Makas, Marley, Mazurek, Miller, Mills, Miramant, Norton, Patrick, Pendleton, Peoples, Percy, Pieh, Pingree, Piotti, Pratt, Priest, Rand, Schatz, Silsby, Simpson, Sirois, Smith N, Sutherland, Treat, Trinward, Tuttle, Valentino, Wagner, Watson, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Beaudette, Beaulieu, Berube, Browne W, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Duprey, Edgecomb, Finley, Fitts, Fletcher, Flood, Giles, Gould, Greeley, Grose, Hamper, Hanley S, Hayes, Jacobsen, Johnson, Joy, Knight, Lansley, Lewin, Lundeen, Marean, McDonough, McFadden, McKane, McLeod, Millett, Moore, Nass, Plummer, Prescott, Richardson D, Richardson W, Robinson, Rosen, Samson, Sarty, Savage, Saviello, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Walker, Weaver, Woodbury.

ABSENT - Cleary, Emery, Muse, Perry, Pilon, Pineau, Pinkham, Rector, Rines, Theriault, Vaughan.

Yes, 80; No, 60; Absent, 11; Excused, 0.

80 having voted in the affirmative and 60 voted in the negative, with 11 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-901)** was **READ** by the Clerk.

Representative **DUPREY** of Hampden **PRESENTED House**

Amendment "A" (H-927) to Committee Amendment "A" (H-901), which was **READ** by the Clerk.

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

Representative **DUPREY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. It is exciting to me to see so many people caring about childcare quality, and I hope, while I am gone, that will continue for the next several years as I am up here lobbying for childcare issues in the next several years, if I am still in Maine, because I think it is important. So it was really exciting, and I hope that will continue. What I offer here is an amendment to make this membership voluntary: If people want to join this and pay the dues, they should be entitled the benefits thereof, but we should not force somebody who is adamantly opposed to joining, somebody who, as the Representative said, only makes \$16,000 a year, but that is net income after you would be able to deduct all of your expenses, because I used to be able to do that, but anyway, the \$16,000 net income, we are going to force them to pay \$500 or \$600 a year to join this union. We should not make them do that and that is what this bill does: it makes it voluntary compliance.

Also, how the original bill is worded, that they are going to be able to strip these dues out of subsidies that come from the state. Well, these subsidies belong to parents. Through the Federal Government, we have changed the laws that require that the parents now are the one that get the subsidy, and then they take the money and pay the childcare worker. What we are actually going to do, with the original bill, as worded, is actually strip the money from the parents, and daycare will have the option to charge the parent back for that union dues that was stripped from them, and I hope that won't happen. We will alleviate that fact by making this voluntary compliance. Why force somebody to pay for something that they do not want to be part of? Mr. Speaker, I ask for a roll call.

Representative **DUPREY** of Hampden **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-927) to Committee Amendment "A" (H-901).**

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

Representative **TUTTLE** of Sanford moved that **House Amendment "A" (H-927) to Committee Amendment "A" (H-901)** be **INDEFINITELY POSTPONED.**

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. LD 2095 permits the state and the organization of childcare providers to negotiate agreements covering all family childcare providers. It provides that no provider is required to join the union as a member of the organization. Nonetheless, the organization is required to represent all providers equally, regardless of membership. The bill permits providers and the state to agree, through negotiations, that nonmembers would pay a service fee reflecting the cost of the representation, but excluding political or ideological activities. The bill does not require such an agreement, but permits the parties to do so.

In other states, they have adopted similar systems; family childcare dues and fees have been deducted from the state payments to providers. The bill would permit such deductions to the extent consistent with federal law. Service fee provisions are an accepted feature of Maine law, reflecting the principle that people who receive the benefit of a collectively bargained agreement should continue towards the cost of that work, to provision to all of the negotiations of an agency fee. Well, the implementation of an agency fee does not affect the amount of a

subsidy a family receives, nor does it limit the access to a full range of childcare for the family receiving a subsidy, and for that reason I would ask that you would support the motion to Indefinitely Postpone.

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

Representative **DILL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to make a point that the good Representative from Sanford just made, but just a little bit differently, and that is just to say that the state is not imposing upon the group of childcare workers anything, we are simply allowing them to negotiate in good faith. So if they collectively think that fair share is a good idea, that is what they are going to decide, then I think we should just stay out that, so I am going to be supporting the motion to Indefinitely Postpone.

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

Representative **BERRY**: Thank you, Mr. Speaker. I don't believe that my light was on, but since you so kindly gave me the opportunity, I just want to underscore, again, that even though no provider is required to join the union, the organization has to negotiate on behalf of all providers equally, regardless of their membership. I think it is a very important distinction, it works for the benefit of all providers, and, again, families go out for childcare still have access to a full range of childcare for a family receiving a subsidy. Thank you, Mr. Speaker.

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

Representative **DUPREY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I wish we would be able to vote this bill on the merits. I hate Indefinite Postponement. You know what, just give it a vote.

Basically, I have to say one thing and I will sit down; I have talked more than I have talked all session on this bill. But this is America. We are forcing a private business to pay homage to the unions, whether they get absolutely no benefit or not. The union may be able to collective bargain zero for these daycare centers. Since we don't have any money, that is probably a good conclusion that that will happen, and they are going to have to pay \$500 or \$600 a year, they are going to have to raise their rates on working families, your constituents, to pay for that \$600. I just can't believe we are actually debating forcing a private business to pay homage to the Maine State Employees Association. Mr. Speaker, I ask for a roll call.

Representative **DUPREY** of Hampden **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-927) to Committee Amendment "A" (H-901)**.

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 Waterboro, Representative Jacobsen.

Representative **JACOBSEN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I don't know how many people here really realize about the underground economy in the State of Maine. This is just another example that is going to drive small businesses underground. We already have these businesses operating underground because of so many regulations, and this will just further that. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-927) to Committee Amendment "A" (H-901). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 339

YE A - Adams, Babbidge, Barstow, Beaudette, Beaudoin, Berry, Blanchard, Blanchette, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Canavan, Carey, Carter, Casavant, Clark, Connor, Conover, Craven, Crockett, Dill, Driscoll, Duchesne, Dunn, Eaton, Eberle, Faircloth, Farrington, Finch, Fischer, Fisher, Gerzofsky, Grose, Harlow, Haskell, Hill, Hinck, Jackson, Jones, Kaenrath, Koffman, Makas, Marley, Mazurek, Miller, Norton, Patrick, Pendleton, Peoples, Pieh, Pingree, Piotti, Pratt, Priest, Rand, Rines, Samson, Silsby, Simpson, Sirois, Smith N, Sutherland, Treat, Trinward, Tuttle, Valentino, Watson, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Beaulieu, Berube, Bliss, Browne W, Campbell, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Duprey, Edgecomb, Finley, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Hamper, Hanley S, Hayes, Hogan, Jacobsen, Johnson, Joy, Knight, Lansley, Lewin, Lundeen, MacDonald, Marean, McDonough, McFadden, McKane, McLeod, Millett, Mills, Miramant, Moore, Nass, Plummer, Prescott, Richardson D, Richardson W, Robinson, Rosen, Sarty, Savage, Saviello, Schatz, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Vaughan, Wagner, Walker, Weaver, Woodbury.

ABSENT - Cleary, Emery, Fitts, Muse, Percy, Perry, Pilon, Pineau, Pinkham, Rector, Theriault.

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

74 having voted in the affirmative and 66 voted in the negative, with 11 being absent, and accordingly **House Amendment "A" (H-927) to Committee Amendment "A" (H-901) was INDEFINITELY POSTPONED.**

Subsequently, **Committee Amendment "A" (H-901) was ADOPTED.**

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-901)** and sent for concurrence.

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

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

HOUSE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (H-898)** - Minority (4) **Ought to Pass as Amended by Committee Amendment "B" (H-899)** - Committee on **NATURAL RESOURCES** on Bill "An Act To Protect Children's Health and the Environment from Toxic Chemicals in Toys and Children's Products"

(H.P. 1432) (L.D. 2048)

Which was **TABLED** by Representative **KOFFMAN** of Bar Harbor pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended Report.**

Subsequently, the Majority **Ought to Pass as Amended Report** was **ACCEPTED.**

The Bill was **READ ONCE.** **Committee Amendment "A" (H-898)** was **READ** by the Clerk.

Representative **PINGREE** of North Haven **PRESENTED House Amendment "A" (H-948) to Committee Amendment "A" (H-898)**, which was **READ** by the Clerk.

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

Representative **PINGREE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I just want to talk very

briefly about this bill, and then the contents of this amendment, which were intended to be a compromise to make, especially, Maine manufacturers, feel more comfortable with this bill. Just very briefly in the background, I am sure many of you remember last year's big debate over the specific flame retardant called deca. It was fierce especially in the airwaves, but then in the end passed overwhelmingly by this House body. In the meantime, both Senator Dow and I were two of the 13 Mainers who were tested for toxic chemicals in our own bodies, and as I told the Democratic caucus earlier today, I am sure most of you saw the headline in the Lewiston *Sun Journal* about me that said, "So young. So toxic." It is definitely not a headline most politicians hope for in their political careers, but in reality, this issue is an issue that I take very personally. I think parents, in this state and around the country, are taking this issue very seriously, and this bill is intended to be a comprehensive way to review our chemical policy, especially as it relates to products in the home and products that children will interact with, because I believe it is a serious issue.

When I was tested for 75 different chemicals, almost every single one of those 75 chemicals appeared in my body in some way. I had especially high levels of mercury; of phthalates, which are a chemical that is put in plastics and cosmetics; I was high in arsenic; I was high in chemicals that could impact my future ability to not only have kids, but how kids in my home would develop. So I think this is an incredibly important initiative.

The bill sets out a process, by which we identify high priority chemicals, figure out if those chemicals are in consumer products that are in our home, and then eventually move to a process where we begin to phase out those chemicals we are most concerned about. The reality, one of the big compromises we made when this bill was passed out of committee with a bipartisan vote, was that any ban on a chemical would come back before this Legislature because we required it to be a major substantive rule. So there have been tons of emails that have been sent out, a huge, I think, scare tactic campaign that this bill is going to put Maine manufacturers and businesses out of business in the very near future. The reality is that no chemical can be banned under this bill without it coming back before this Legislature in future years. The reality is it is probably two to five years before any product ban is recommended. The list of high priority chemicals is required to be done by 2011. I certainly hope we can do it sooner than that, but again, this bill is a careful, slow timeline to look at those toxic chemicals in consumer products, especially those that impact kids, and put them on a timeline to phase them out.

I just want to quickly address the amendment, because the amendment is meant to try to allay some of the concerns, especially of Maine manufacturers, that is my primary concern, so I will just quickly run through some of the things this amendment does: This amendment clarifies that paper, the forest products, are exempt from this bill. This bill, it also clarifies that chemicals used in the manufacturing process are exempt from this bill. So there are plenty of manufacturers in Maine that use chemicals in their process, but those chemicals do not appear in the end product. Those chemicals used in the manufacturing process and the whole manufacturing process itself are exempt from this bill. We also fully exempt transportation. We exempted transportation in the deca bill; we are now fully exempting transportation in this bill. We also exempt food and beverage packaging. We say that container packaging for a food or beverage product is exempt from the requirements of this chapter, except that if this product is intentionally marketed or intended for the use of children under the age of three. So except for those products that actually

contain baby food, baby formula, food packaging would be exempt from this bill. I know all of us have heard a lot from outside groups that this would raise the price of food, this would cause Maine food manufacturers to go out of business; they are fully exempted from this bill. The very last thing is that we wanted to make it explicit in the bill that we would only ban a chemical in the future if there was a safer alternative that is available at a comparable cost. So we wanted to make it clear that we are not trying to raise the cost of doing business, we are trying to ban those chemicals in which there is a safer alternative available, that is available at a comparable cost for those manufacturers.

I think that while we worked hard on this bill, I think these amendments are appropriate. Clearly, the food packaging is one that, I think, is a major concession, but I still think that this bill allows us to go forward with an important process that is especially important for the future of the kids of this state and the kids of this country. So I thank you, Mr. Speaker, and I certainly urge this House passage.

The SPEAKER: The Chair recognizes the Representative from Oxford, Representative Hamper.

Representative **HAMPER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I had spent the weekend in hopeful anticipation of seeing a much more narrowly defined amendment than I see before me today, and I still have considerable concerns with the bill as it is written and even as amended. Particularly, one point, in the definitions, we use the word child, and by statute the word child is anybody under 18, extremely broad when you talk about the number of products a child will come in contact with, and this encompasses every last one of them. We go down further in the bill, 1962, Declaration of Policy and other Vulnerable Populations. What is other vulnerable populations? Last week, I was quite sick; I considered myself a vulnerable population as are many others in this room at this present time, we are still not definite as to what a vulnerable population is. We continue on with authoritative government entity, in 1693. Who in the world is an authoritative government agency when it comes to the list of chemicals? I have gone through the list of chemicals that are potential targets for this bill, including such items as aspirin, estrogen and wood dust, solar radiation, and the like.

I continue on: Committee of jurisdiction was brought up. Great, the Committee of jurisdiction is going to be brought in on this bill, only after chemicals have been determined to be of high concern, and when the product is about to be banned. That is the only time the committee is brought in is when we are going to ban a product. There is no committee of jurisdiction brought into the fee process. There are two different areas in this bill, in 1695, as far as fees, and the ability for the Department to raise fees with no restraint. I asked about the restraint on the fee schedule during our language review in committee, and it all sums up with the word reasonable. Well, what in the world in reasonable, I questioned and was laughed at, at the committee process, and then told, reasonable fees, if they are unreasonable, the manufacturer can go ahead and sue. We have not set any kind of restriction on fees for the Department. Give them open-end, unlimited ability to raise fees, isn't that reason enough to contain this bill a little bit more, the long reach of the Department to raise fees.

This bill is seriously flawed, it is a duplication of efforts, we were told during the committee process that this is a bill that has been run through in a number of other states. Well it has been shot down in a number of other states, and the one state that it did pass in, Washington State, Governor Gregoire has gutted the bill so that it was sent back to committee and they can look at it

further. Ladies and Gentlemen of the House, I urge you to shoot down this amendment and the bill entirely. Let's have some sanity and look at this thing next year, and look at it thoroughly. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bar Harbor, Representative Koffman.

Representative **KOFFMAN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. My good friend Representative Hamper, the Representative from Oxford, raises some interesting points. I just want to cover a couple of them.

In the first instance, it may well be that other states have failed to pass legislation as comprehensive as this, in which case, I guess, Maine leads. I don't think we have to apologize for that. We have led on environmental issues and problems, and public health issues for decades. We should be proud of that. Last year, we passed the ban on polybrominated diphenyl ethers, known as deca flame-retardants. A few years before that, we dealt with arsenic-treated wood; we have dealt with mercury products of all kinds, lead paint and other issues. But each one of those was an issue that came to our attention; we dealt with it and moved on, until the next issue surfaced.

What appeals to me about this piece of legislation is it takes a comprehensive look at these issues, the chemicals of concern, and it does so in a very deliberately and thoughtful process involving stakeholders representing the various interests. It would take four to five years to get to the point where chemicals of concern were reviewed, out of which several chemicals that were considered priority, chemicals of risk, that might be identified in manufactured products, the manufacturers then would be revealed to the state, the content of their product, these would be those priority chemicals. We would then look for alternatives to those chemicals, as we did with the flame retardant process, and if those alternatives were available and cost effective and effective, as in the case of flame retardants, then and only then would we move forward. The Board of Environmental Protection would establish the rules regarding any ban, and then those rules would be reviewed by this legislative body as they came along, so nothing would be banned without the Legislature's full participation.

I intended to put in a bill, just similar to this, after I read some time ago about the Consumer Product Safety Council, which Representative Nixon put in place in the early 70's, and had full, complimentary professional employees trying to take the national health and public safety, catching products of risk before they went on the markets and then doing quick recalls when they found something that slipped through the cracks. Unfortunately, as we have read in the papers, that commission, the Consumer Product Safety Commission at the national level, has less than half the employees it started out with in the early 70's, and that is one of the reasons we have seen so many recalls, particularly lately, from China, but not exclusively China. So I think taking a comprehensive look at these issues, looking at the relationship among some of these chemicals which interact in the environment and in the body, is long overdue, and we hope that one day the national government will catch up with Maine.

As to the question of defining child and other vulnerable populations, this bill focuses on children, our most vulnerable population. If, by tangentially, this legislation protects women of childbearing age, I think that is a positive, and if it affects positively other vulnerable population, that is positive, but the focus is on children and public health, generally. I urge your support.

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

Representative **CAIN**: Thank you Mr. Speaker. Thank you, Men and Women of the House. I rise in support of the pending motion because I believe we have an obligation, whenever possible, to set the bar higher. I believe policy changes like this bill are what drive the needed research and innovation in our economy, when business and science have the opportunity to partner to the better for all of us. I think that that is good business. But if we do not expect more, we will just get less and, in this case, less means we get more toxic chemicals in our bodies and in our children. This is part of driving markets to reach higher and, ultimately, make the safest option the cheapest option, but if we do nothing, we should expect nothing.

There has been a lot of talk about business, and I looked over the sheet I asked to be distributed in the House today, I see words and phrases like common sense; a safer, more economic viable state. I see state policy action is needed to promote safer chemicals in consumer products because market forces alone are not enough to insure adequate progress, and I see that this offers the potential for substantial economic growth and job expansion in this state. I think that is wonderful. But I also know that I hope to raise children in Maine some day, I hope that I am that blessed. We often hear that it is a scary world out there to raise children today. There are so many threats that we cannot control and that we cannot change, but this is something that we can. And so I urge your support of this motion and this bill, not only because we can, but because we should. Thank you, Mr. Speaker.

House Amendment "A" (H-948) to Committee Amendment "A" (H-898) was ADOPTED.

On motion of Representative PINGREE of North Haven, **TABLED pending ADOPTION of Committee Amendment "A" (H-898) as Amended by House Amendment "A" (H-948) and later today assigned.**

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Friday, April 4, 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 (6) Ought to Pass as Amended by Committee Amendment "A" (H-636) - Minority (5) Ought Not to Pass - Committee on LABOR on Bill "An Act To Care for Working Families"

(H.P. 1024) (L.D. 1454)

TABLED - January 8, 2008 (Till Later Today) by Representative TUTTLE of Sanford.

PENDING - ACCEPTANCE OF EITHER REPORT.

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

Representative TARDY of Newport **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 Harrison, Representative Sykes.

Representative **SYKES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This mandatory increase of sick leave benefit is going to cost the businesses money; there is just no doubt about that in my mind. You are either going to hire someone to do the job that that person who is

out sick is doing, thus paying two people to do the job, or production is going to go down. Either way, it is a cost to the business. I have heard from statements, even a written statement that said there really is no abuse of sick leave. Let me tell you, if you believe that you have your head in the sand. There are some great employees that do not abuse it, but there are plenty that do.

If this goes through, a business has a couple of choices: They can increase the cost of their product or they can reduce their expenses, such as reducing benefits. Interestingly enough, a few hours ago I had a call from a large business owner in my area that said, if this goes through, what she plans to do is take away one week's vacation if she is mandated to give five days of sick leave. Is the timing right for something like this? What is the business climate in Maine at this particular time? Are there very few regulatory rules and regulations? Is it a thriving business climate, booming, do we have a lot of people in a three point stance at the New Hampshire line waiting to get into the State of Maine? Let me tell you, in my area I have two businesses that picked up and moved about three miles to the State of New Hampshire. Ladies and Gentlemen, take a look at the revenue picture just from the past few months: corporate sales, corporate and sales tax revenue reports. Can you folks pronounce the word recession? Does this encourage or discourage businesses thinking about locating to Maine? I think we all know the answer to those questions. This bill may not be the last nail on the coffin, but let me tell you, it is going to be a nail in the coffin. Thank you.

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

Representative **BRIGGS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of LD 1454. Did you know that paid sick days support children's health. Research has shown that parental availability is critical for children's physical and mental health. When their parents participate in their care, sick children recover more rapidly from illnesses and injuries, demonstrate better vital signs, have fewer symptoms, and have decreased anxiety. About 41 percent of the parents interviewed in an urban working family study, reported that their working conditions had negatively affected their children's health. Examples ranged from children being unable to make needed doctor's appointments, to receiving inadequate early care that resulted in their condition worsening. Parents with paid time off are more than five times as likely as other parents to stay home with their children, yet only 41 percent of working mothers have paid sick days consistently. Nearly half, 49 percent, lose pay when they stay home with a sick child.

For me, during my early years of employment, I remember working in a shoe shop and not having any sick days to depend on. I can remember other people and their employers who offered sick days, and thought, I hope to have a job like that some day. My biggest fear, always while working, was if I had to take time off because my children or myself getting sick. My employer was not happy even when I had to be home with my children because of sickness, or stay with them while they were in the hospital with pneumonia, or the croup, or other serious illnesses. And on top of the added costs, because of my children getting sick, needing medications, along with having additional medical bills, it just got worse. There was no support from the shoe company and there never was. In fact, there was a lot of fear by many employees, all of the time, if we had to be out of work for any reason. I can remember that fear as clear as if I was still working there today.

With my employer today, to think that I have paid sick days that I can depend on, and there are occasions where it is needed. At least, I know financially, I will not go backwards as far as my

income in concerned, that there is a little cushion there if needed. For the most part, I know that my bills will still get paid. I can't believe, today, that I actually have an employer that does this for me. And do you know that I feel so much better about my employer, that they are able and willing to take care of me with financial security, if and when I need it? I feel that we need to work with improving the benefit package to care for the working families in our state. Giving the employees sick days is a good place to start. This could also help to stabilize our economy a little bit more, especially with the high rise in cost of fuel and heating oil. Everyone could use a little bit more reassurance and relief. I respectfully ask that you support LD 1454 and follow my light. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Chase.

Representative **CHASE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I am here today, when this bill comes up, to speak for a restaurant owner, a husband and wife. They actually own two restaurants in the Town of Wells, diagonally across from each other on Route 1. They work from 5 o'clock in the morning to 11 o'clock at night. They have nine children: three of them theirs; six of them they have adopted from Guatemala and Chernobyl. They have worked hard for years in our community. They employ people year-round, their restaurants are open year-round, and they employ a lot of our students in the summertime. They talked to me specifically about this bill: This one bill will cost nearly \$40,000 a year more. They give pay to their employees, they give sick pay for their year-round employees, and they give vacation benefits.

The other thing that this bill will do, both the husband and wife work in rotations in their jobs and in their restaurants. They take turns in each restaurant during the day, and they put themselves into the schedule for work. She will have to remove her self from the schedule; it is hard enough right now. For those who employ any number of people, you know there are people that abuse the sick days, you recognize that. This will add mandatory sick days to these people, and she will have to not put herself into the schedule for working, because she will have to spend every day filling in, even more, for more people. Now these people have benefited our community, they provide services to the community, they provide jobs to our high school students, and they provide year-round jobs. I am speaking for them today because they cannot be here, they are home working their two restaurants, so I urge you not to pass this bill. Thank you.

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. I guess I am here to speak for the working mom and dad that works a part-time job, maybe three or four of them; doesn't have any sick time, doesn't get sick pay, but has a very, very sick child at home. Now add to the fact that if they take off the day without pay, not only are they going to fall behind in a lot of their bills and their obligations, but they continue to worry about that very, very sick child that—put your self in their place, having been there, done that, I know what they are going through. Go to the store and try to buy cough medicine, antihistamines, nose spray, Kleenex, you are not collecting sick pay for that day, so that money that you are expending for medicines to help your child feel better, maybe you can get an hour of sleep when the child stops coughing between 2 and 3 in the morning, is going to put you behind a little more. You know, this is bad economic times in the State of Maine, not only in the State of Maine, in the United States of America. We are not sitting here on an island alone, immune to hard times and budget crunches. It is happening everywhere. Why do we

continue to want to put the people that don't have a voice here, they don't have time, they can run in the State of Maine, but finding time to serve in the Legislature is something else, and we want to take and say no you don't deserve to stay home with that child to make them feel better, I am not going to pay you a lousy six or eight hours.

Now you people are thinking, I know you are thinking, this is 24 hours pay that these high priced workers are getting at \$6.25 an hour, but you know, all of the businesses in this state have chosen—for economic reasons and I fully understand why—to go to part-time employees, so they may be getting a big whopping four hours sick time or six hours sick time. Add it up: you can spend that at the pharmacy on one prescription or over the counter medicines that you can buy. Let's give our working moms and dads—and this is not strictly a woman's issue; there are as many single dads out there trying to balance budgets as there are single moms—but let's give them a chance to sit back, catch their breath, take care of that child that they love ever so dearly, and not have to worry about that child choking to death with viral bronchitis. It happens, these children are asking for our help, but what they are asking for more than help is to give them the opportunity to have mom and dad stay home and take care of them, instead of maybe a babysitter or a neighbor that doesn't understand it. I urge you to support this Majority Ought to Pass, let's do what right for the people that sent us down here, not that the businesses that keep complaining we are trying to kill them. We give them plenty of tax breaks, look at your tax codes, and count them up.

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

Representative **DUPREY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Let me give you a different scenario, and all that sounds great and I agree with a lot of what she said. You see, as a daycare provider, I see those moms and dads that have to come pick up their sick child at daycare. It breaks me heart because I have had some of them say I am going to lose my job if I keep coming in, and that really touches me, but to leave a sick child there, which will affect other children, will only inconvenience other persons, so it really puts us in a quandary. I have heard some people say they cannot afford it, so I see the perspective there.

Let me paint you a different perspective: You are perfectly healthy, you bring your healthy child to daycare and they have to turn your child away because they had two employees call in sick, they had a hangover that day, they knew they could get away with getting a free paid sick day. I have major, major staffing issues with people calling in sick because they are hung-over, my college kids, they had too much to drink on Friday night or Saturday night or Sunday night or Monday night or Tuesday night, whatever. Yes, people are sick, but it is a safety issue when it comes to my business. I am expecting every parent that is going to be there, to be there at a certain time of the day, and by state law I have to have a certain percentage of staff there. If so many people call in sick, we have had to turn children away, which creates that problem as well. So I am going to throw you the other edge, and if it is all about safety as the last bill that was just passed says, we have to think about those issues as well.

You see, in businesses, I have been an employee, I have been an owner, I have signed the front, I have signed the back of paychecks. When you increase cost to a business, they have to find the money somewhere. Contrary to what some people on a certain side of the aisle believe, I don't just go to a gold bar, to a vault in my backyard, and scrape some of the gold off to pay for these extra benefits that you guys in this body create. I have to figure out a way to pay for these costs, because any little bit of

fluff money I had, it now goes to ExxonMobil, it now goes to Shell and it goes to the oil guy. So there is no money left in the well, the well is dry; it has been dry for business owners for a long time. Now, granted, if this bill passes it won't affect me, you know why? Because the second I found out this bill might pass, I took away all paid sick time for my employees and replaced it. I got rid of holiday pay, vacation pay, and sick pay, and replaced it with flex pay. Now they all get generic days off that they can earn. The only difference is these people are now going to earn it from day one, which some of my employees have been with me for years and they had work a certain period of time to earn it, and now somebody off the street is going to come in and get their sick pay from day one. There is no waiting period, no probationary period, which really is not fair to the people who have been there awhile.

So the bill, yeah, it won't affect me that much, but you know what? It is one more thing, one more thing this body does, add to a minimum wage increase, just a little bit more of a dig, and there are two options I can have: I can increase my costs, I could increase childcare rates to the same working families that we are trying to help out as well, I could raise rates. But you know what? Gas prices are killing them. I have not raised my rates in two years, because I am trying to hold the line because I know these families are struggling. Or I could take it away from the employees. If we pass the minimum wage increase, their health insurance has to go because I cannot afford both. So when you pass something like this, I have to be able to take away from somewhere to give, because when you tax somebody, you have to take away from the rich to give to the poor, when you pass an employee benefit with no way to pay for it, an employer has to find a way to take that money from somewhere. We can't make the money ourselves, and there are no tax breaks for a medium sized company in Maine. For a company with 500, there might be, but that is only 0.1 percent of the population business. For 95 percent of us, there is no advantage when it comes to that; we are getting raked over the coals with fuel prices. I pay \$1,500 a week to heat my buildings; I know what it costs to run a business. I just had to close two of my locations, I closed one yesterday, it broke my heart. The four people working there, we tried to consolidate without laying off people, and I am closing another one next month because I am feeling the pinch too.

People cannot afford to work, they are staying home with their kids, which you know what, is a mixed blessing, because I think parents should be home raising their own kids, so it is a mixed blessing. But the people out there are hurting. I am sympathetic, but I must agree, when I did offer sick days many years ago, it was very taken advantage of and everybody used them regardless of the fact they were sick or not, and for something to not have to write a note in at all, no excuse at all for three days, that is crazy. They could just take off with a five-day weekend, or if it was a three-day weekend, they could have a six-day weekend and not have any written notifications. They could be gone; they could be in the Bahamas for six days and we wouldn't have any recourse whatsoever. You know, the business owners are the ones who give these people jobs; we are not the bad guys, we really are not. We are trying to survive, but you wonder why we have the second worst business climate in the country, it is because it is one more thing, just one more thing, it is death by a thousand paper cuts, and I am tired of getting cut.

Representative BLISS of South Portland assumed the Chair.
The House was called to order by the Speaker Pro Tem.

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

Representative **PRESCOTT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will regret it if I do not put my two cents worth in on this bill. This bill paints a rosy picture: Paid sick leave would be wonderful, we would all love to it, I am not against that at all—paid holidays, any of the benefits that you can get with a good package—but to force this burden on Maine's businesses that are struggling will have consequences, and there will be other creative ways found to alleviate this business burden, as Representative Duprey has so noted. I want a flat screen TV and a new van; I can't afford it and neither can our businesses, so please vote no on this business unfriendly bill and let's start changing the label that Maine has currently. Thank you.

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

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

The SPEAKER PRO TEM: The Representative may pose her question.

Representative **GILES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The question that I have and it comes really because I live in the coastal area of Belfast, mid-coast Maine, we have a lot of businesses that are very dependent on tourism through the summer, a lot of seasonal employment that is involved, and I know there are other parts of the state that have a lot of seasonal employment as well. I am wondering if any member of the committee could address how this pertains to seasonal employment for the person who is probably hired Memorial Day weekend and who is going to be done Labor Day weekend. I would like to know what type of sick time should we offer to the seasonal employee. Thank you.

The SPEAKER PRO TEM: The Representative from Belfast, Representative Giles has posed a question through the Chair to anyone on the Labor Committee who may care to respond. The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Thank you, Mr. Speaker. That was a question posed by a number of people over the last few weeks, Representative Giles, and I am hoping to get the bill in a posture where I can address that, and I am hoping that you would allow me to do that.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Rand.

Representative **RAND**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Running a small business, I don't care what state you are in, it is difficult. I mean, we have been at it for 25 years now, and we have eight employees, and it is tough. It is tough when the oil prices go up and it is tough when the electric rates go up. But you run a business and create these jobs, not usually because you are just the nicest person in the whole wide world, you hire people because you need them in order to have a successful business, and the benefits, it should be a two way street. You expect your workers to come to work in a timely fashion and get their work done; they in turn have every right to expect to be treated decently and like the very valuable members of your business that they are. I think we have four press people. Now if those four press people walked out the door, I don't know where we would be, because I don't even know how to spell press, let alone now run one, and my husband, certainly as wonderful as he is, couldn't be running four presses at one time, so it is a two way street.

I feel very sorry for one of the previous speakers who apparently has employees who call in with hangovers. In the 25 years that I have been in business, we haven't had that, but we have had loyalty; great, great workers. If a person is running a business and cannot afford to treat their employees with the proper consideration and be mindful of the fact that they are human beings, not just cogs in their business, and that they do have lives, they do have children or they do have spouses, or they themselves may possibly become ill, then I question how effective that their business can be, how effective a business person they can be. I think we all have to bear in mind that Maine is, I think, 39th lowest in wages out of the United States, so one day of a paycheck makes a huge, huge difference to many thousands of our constituents. Yes, we are here to represent the business community and I think we do a pretty good job of that, but we are also here to represent the working people, and I would urge you to please support this bill. It is good business for the State of Maine.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Somerville, Representative Miller.

Representative **MILLER**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I guess I would like to give another perspective about burden for business, and it is the public health burden of people coming in sick to work, no matter how sick they are, and I think this pertains a bit to our tourist industry and the food and lodging industry. Low-wage workers are the least likely to have paid sick days, and only about 4 percent of restaurant workers get paid sick days. Viruses rapidly infect workers and customers in hospitality and food service through contaminated food or beverages, and, in fact, there was a judgment in Nevada. A jury found that a viral outbreak that sicken hundreds at a Las Vegas hotel was caused by the lack of inadequate paid sick day policy, and it resulted in \$25 million in a judgment. I am not going to say that that is going to happen here in Maine, but it is an example of what happens when people come to work sicker than they ought to.

Specifically, I think we are all worried about flu and pandemic flu. Paid sick days minimize the spread of flu. I don't know about your row, but this row, and the one on either side, was virtually a cesspool of viruses. The Appropriations Committee was positively toxic, and we clearly have had an example of the 40 percent of workers having contracted the flu from a colleague right here in this chamber. Research shows that paid sick leave policies reduce the rate of contagious infections, and that is why the Maine Center for Disease Control and Prevention, here in Maine, recommend that ill workers stay home. So I urge you to support the Majority Ought to Pass as Amended Report. Thank you, Mr. Speaker.

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

Representative **GILES**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I want to thank my good colleague, Representative Tuttle, for his response of my question regarding seasonal employment, but to me it opens up some question. We have so many businesses in this state that are seasonally dependent: We have tourism, agriculture, aquaculture, fishing, hospitality, recreation, skiing, boating, camping, the list goes on. I really think that until there is a provision within the bill that addresses the seasonal employment of so many workers in this state, to have this addressed and to be able to address it for the employer, until that is addressed, I really need to vote against this bill and I would encourage others to do so. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Haskell.

Representative **HASKELL**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise here to let you know how difficult the decision was, as I sat on the Labor Committee, to oppose this bill. The concepts that you have heard talked about here—sick children, a sick work place, a family being able to take care of themselves—are critically important. But Ladies and Gentlemen, I would like to be sure that when we do pass a mandate of this sort that it is actually going to accomplish what we set forth. I believe that should the State of Maine pass this legislation, we would be the first state in the nation to pass it, and I am not afraid of our motto, *Dirigo*, let's lead, but let's make sure that when we lead we get the bang for our buck, that the headline we are going to get about being business unfriendly is going to be worth it. Let's make sure it really does what it is going to do.

This bill, as proposed now, only applies to companies with more than 25 employees, and I ask you whether or not the large number of people who work in the State of Maine, for those companies that employ fewer than 25, don't have kids who get just as sick as those people who work for the big companies. And isn't the amount of time they ought to have off the same, if it is based how sick the kid is and not what the size of your company is. Now there is a rationale for the bill having the over 25-employee limit in it, because it is very difficult to impose this on small businesses. While I submit to you that big businesses are going to find it as difficult, a business with 12 people and a business with 25, it just twice the effort of the company that has 12 or 13 employees. So I suggest to you that it really does have an impact on these companies, and it does not provide for that large number of people who are working for small companies, any of this benefit.

When this bill was under consideration in my committee, I was really curious about the various claims, because in Maine there are not specific statistics regarding which companies offer sick time and which ones do not. So I took one of the days that we were off and visited 36 businesses in my district, and I tried to figure out which ones had more than 25 employees. I didn't go to the small businesses; I went to those businesses that had, in my perception, would have had 25 or more employees, and they include very large businesses like Unum, and you would expect what their policy would be. But I also visited some that I thought were a little bit smaller, ones like Johnson's Supply or MPX, or the Radio Shack, some of these companies that do not have a whole lot of employees, and I find out that every one of those companies that had more than 25 employees was already offering some form of paid sick leave. Sometimes it was paid time off, similar to what the good Representative Duprey mentioned; sometimes it was very specific in the number of hours they provided. I would be glad to share this with anybody, but I came to believe that those that are targeted in this bill, companies with more than 25, at least from my experience, are already providing this benefit.

Even those companies that have been mentioned, on the other side of these double doors, as being the bad guys, I have actually three of them that were specifically mentioned in my district, and all three of those—I didn't go and ask the HR people; I asked the first person when I walked through the door, that is who I wanted to know from, not somebody who could spin what their company policy was, but somebody who actually worked there, whether or not they had paid sick time, so I got answers from those folks on the front lines. And those three companies that were specifically mentioned also offered paid sick time. So I would like to submit to you that in creating a two-tiered system here where if you happen to work for a big company your sick kids are going to the benefit of you being home; if you happen to

work for a small company, you are not going to have that additional benefit. Frankly, Ladies and Gentlemen, I don't think that is worth the damage that is going to occur if we become first in the nation, so I thank you for your courtesy this afternoon.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Harlow.

Representative **HARLOW**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I don't see this is such a great benefit, and I think the seasonal employees are being taken care of. You only get one hour for every 30 hours of work. That means you have to work for six weeks to get one day off, and over one year to get the maximum benefit of nine days. So I think we don't want sick workers going to work because they don't have the benefit. I had sick days my whole career; the only day I used was the last day when I was retired, I got sick. Thank you.

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

Representative **BURNS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of this Maine citizen-friendly bill. I rise in support of this Maine working family's bill. I think it is important for us to understand that business, anywhere in the world—well, let me stick to Maine and the United States—functions this way: Somebody makes a capital infusion—we will call it a seed—and then labor comes into the picture—I am going to call them fertile soil, freshwater, and sunshine—and then they make that capital seed flourish into something profitable.

Now in the science of economics there are a few terms that are relative to what we are talking about here: One of those terms is labor arbitrage, another term they might use in other parts of the globe is surplus value of labor, and either one of those terms means basically the same thing. I may go to work for you and you may pay me \$5 an hour, but my labor is going to yield you considerably more than that, that is why you planted the seed of capital, and I thank you for it. But as the good Representative from Portland pointed out, Representative Harlow, this is clearly earned, paid sick leave. As the Representative from Somerville, Representative Miller, point out, we all know from the past flu season what it means to come to work sick. I heard some of you say I wish my colleague next to me stayed home, but that colleague did not stay home, not because he or she couldn't afford to lose a day's pay, but because there would have been a lot of roll call votes in his or her absence and we all want a good report card.

The Center for Disease Control says stay home. They tell us to make our children stay home if they are sick, our teachers tell us to keep our children home if they are sick. I know you have heard this all before, I know we have all said it over and over and over again, but it bears repeating because we are going to vote on this, and you all know, I know from last week how you are going to vote, I know that you all know that. But it is important that we think clearly before we vote, okay? It is important that we think clearly. We are talking about a small population of people who earn meager wages and their wages yield great profits, otherwise their businesses, the ones they work for, would not persist.

Now I want to say that the Supreme Court of the United States spoke on this issue, so I am not alone here. They said there is no business that exists in this country without the contribution that labor makes, and labor is entitled to a fair share of that yield from that capital. Please think about this. We are not talking about being business unfriendly, we are talking about being friendly to the very people who we seek, now through a federal subsidy program, to put money in their pockets so they

can go out and spend it and stimulate the economy. I know I said it last week and I know I said it the week before, but let's think. The kind of economics that we are engaged in here, the kind that keeps pushing their wages down while we take their good jobs and bring them to China and other parts of the world, is rendering us all vulnerable. This is a Maine citizen, working family, friendly bill—vote for it. Thank you.

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

Representative **FINLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise as a mother, a grandmother, and a former business owner. I sometimes fail to understand how many people in this House think that businesses in the State of Maine are making such huge profits. I believe that the majority of the businesses in the State of Maine and in this country right now are struggling. I have been very blessed in the years that I have worked. I have always had paid sick leave, and I have always been able to stay home with my children when they were sick. But I also had staff who worked for me, we got 13 paid sick days a year. Probably one third of my staff used every single sick day they had; the others and I had 700 sick days when I left that job. So there are, indeed, people who are going to take advantage of this, and I am concerned that we may be doing people a disservice, because people may indeed be losing some of the privileges that their business owners now give them, and I think Representative Duprey hit on that.

I know in my years of work that I saw people who worked in the shoe shop who were terrified to take a day off, but look around in the State of Maine. How many shoe shops do we have left? How many small woodturning mills have closed? One of the reasons I believe, other than the global economy, that many of the businesses have left this country and this bill are because of the mandates we have put on them. I think we need to think very, very seriously about how we vote on this issue and how it affects the businesses. Were it not for the businesses, we would not have to worry about childcare and we would not have to worry about going to work sick. Thank you.

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

Representative **FAIRCLOTH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I understand and I respect that there are difference of opinion about this bill; in fact, I look over at the Republican caucus and see that, as with the Democratic caucus, there is a significant percentage that have found other uses for their time. I just wanted to lay out, on the record, that I think the economic studies will show that actually it does help business, that it decreases absenteeism, it decreases turnover, and it increases productivity.

But I also recognize that I know the opinion is mixed in our caucus, in the Democratic caucus. I think I recognize where the Republican caucus already is, and I know it is 4:20 in the afternoon and I believe that there are some ideas, their day has come, and there are other ideas, like this one, that I believe their day will come, but, whichever, I think at this point we know where we stand on this issue and respect all people's point of view. I think that ultimately, as has been shown from other jurisdictions that have passed measures like this, that the businesses, after it has passed, come back and say actually things worked out and it was fine. But I think we all know where things are headed now at 4:20 in the afternoon, and it is about time that we prepare to make a decision on this issue. I thank the Men and Women of the House.

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

Representative **DUPREY**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I just wanted to address some of the comments from the Representative from Berwick, Representative Burns. I agree with him that an employee deserves a fair wage, but that is up to the employee to figure out what that fair wage is. You see, this is America, and if you do not like what you make, you can let our feet do the walking and get another job, and a lot of people have done that and done much better when they went and found another job. There are a lot of mill workers that have left their jobs, thought that it was the end of the world, found a new career and made five times what they were making, and are happier than ever, it was the best thing that happened to them.

You see, if you asked somebody if they would rather have \$15 an hour with no sick pay, no vacation pay, no holiday pay, or \$10 an hour with a few sick days, they are going to take the \$15 an hour every day of the week, because they can buy their own sick days with them. It is not having the sick days; it is up to the employee. When you sit down with an employer, you negotiate what you expect to be a wage. The employer says I am going to pay you \$12 an hour, here is what you benefit package is, and you can accept that or not accept that. If you don't accept it, you go to somebody else. When you finally say yes, that is your agreement. But what the Legislature here says is we are smarter than business, we are going to step in and intervene on your behalf since you are not smart enough to negotiate that benefit on your own.

I have had many employees come to me over the years and say I would like a quarter more an hour, \$0.50 more an hour. We sit down, we figure out their work, and you know what, 90 percent of the time they get exactly what they want, sometimes I give them more just because they had the guts to ask. This is America. This is the only benefit of any benefit that is out there. We don't mandate any health insurance on people, we don't mandate any vacation pay, we don't mandate sick pay as of yet, we don't mandate a match of a 401k. I, 100 percent, match my employees 401k—100 percent match. Not many companies do that, I think it is important. I offer sick time, and I also have family sick leave. I think it is important for maternity. I also have people who have bereavement, who lost their husband; I paid her for two weeks so she could be home with her husband. I do that out of the kindness of my heart, I don't do it for everybody, but you know what? I don't tell them I publicize it, you know, I tend to not let people know. I don't tell anybody I do this, I just, out of my pocket, out of the kindness of my heart because I love people, and the people that work for me, I love them very dearly and they are like my family and I will do anything for them.

But to have this body come in and say we are going to give something to your employees because we don't think you can do it yourself is ludicrous to me, because this will absolutely benefit, as Representative Haskell has said, it will benefit such a small part of the population. The damage that we are going to do, from businesses like mine that want to come in from out of state and do business, they are just going to look at the death by a thousand paper cuts over the years, and they are going say if they are going to do this, they are going to mandate health insurance in a couple of years. Forget that state, I'll just stop in New Hampshire. They are going to mandate nine sick days, this is just a start. There is a reason that in my line of work there is no competition for me from the mall side industry. You don't see any national childcare chains come to Maine and it is a good thing for me, it kind of keeps a monopoly going for me, because none of them in their right mind would ever want to come here and do business because of exactly these types of bills. Let's start going the other way to start bringing these businesses in.

If we start bringing these businesses in by lowering some of these standards, then the wages are going to increase and that is the reason that in New Hampshire, people make \$9,000 more than we do because they don't have lunacy like this going on in their Legislature. They might now, but they don't have it up to yet. As you vote, just remember that freedom exists for an employee to leave their job whenever they so choose and it might be the best thing they ever did. If your employer is not taking care of you, your employer fires you or is mean to you when your kids are sick, you know what, you should go get another job. We shouldn't be giving you the sick days; you should be getting other work and work for an employer who appreciates what you do. We shouldn't be just trying to give them benefits.

You know what an employee said to me one time—it kind of breaks my heart—she said, “You in the Legislature, I can get a raise on my own. Why did they have to be the one to keep raising minimum wage? I get the same increase that doesn't do anything. The person who works just half as hard as me, we get the same benefit, and know you are giving the benefit to someone who may be working half as hard as somebody who works twice as hard.” Now I can't give the person who is working really, really well, I can't give her an extra six days incentive because you are forcing me to give it to the person that may or may not deserve it. I think I have said enough. Please vote no on the pending motion.

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

Representative **CANAVAN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Rarely do I take issue with my good friend from Bangor, Representative Blanchette, but I guess this is one of those times, because as I see it, however we frame it, paid sick leave or the lack thereof is still, I think, largely a woman's issue. Because it is clear that those most profoundly impacted by the issue of paid sick leave will be family caregivers, and despite the many changes in family dynamics that have occurred in recent decades, society still assigns women the essential responsibility for family care, so says a recent study on our nation's economy. The study also concludes that women still earn less than men, on average.

The implications of these finds, as it relates to the bill before us, are simply this: Our middle and low-income neighbors—and I have been there as a mother of five, a working mother of five—many of them in service occupations, and many of them, women, must choose between one of three options when their child wakes up with a temperature on a school day: Number one, send the child off to school sick; number two, stay home with her and lose much needed income; or number three, head to work and leave a child home alone to fend for herself, so faced with this situation if you are living from paycheck to paycheck, which too many Mainers are these days, which option would you choose? By the same token, these same caregivers hardly have a luxury of getting sick themselves, because without paid sick leave, missing time means lost pay, and lost pay for someone already living hand to mouth is bad news for the worker's family, not to mention bad news for government that may have to lend a hand if she loses her job because of lost time. I would ask you to contrast the circumstances of those in middle and low-income households, with those in professional, managerial positions who, when faced with caring for a sick child can afford to hire a caregiver, or who, when they themselves are sick, are likely to be accommodated by their employer.

We say we are a nation that values families, but our country has far fewer family friendly policies than many other advanced countries and economies around the world, and I would point out that it is not just kindness that motivates their leaders to pass

such laws. They see family friendly laws as good public policy. Nations like Germany and Finland see strong families as a nation's future and the mainstay of a sound economy, so it is not kindness that compels them, but just commonsense. In America, we say that we respect our mothers and our wives and our daughters, and yet we undervalue the work they do by paying them less. We say we respect caregivers, and yet we fail to accord them the dignity and deference they deserve in public policy areas, and we say we value families, but we turn a blind eye to the plight of sick kids home alone; ailing workers afraid to take a day off for fear of losing a days pay, or worse, their job; to mothers stretched thin and to our elderly going without proper care. We say we want a strong economy, but we fail to see the connection between strong families and a vibrant economy. Isn't it time we caught up with the rest of the world and finally recognized that it is wrongheaded to ignore the plight of parents struggling to balance the need of home and work as they care for sick family members.

If history is any indicator, changing minds about the value of women's role in society is a slow, arduous process, but I believe it will happen, because history also shows, with regards to women's issues, that fairness and common sense ultimately do prevail and my hope is that it happens here in Maine, and that is why I urge you to vote for this bill. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Hallowell, Representative Treat.

Representative **TREAT**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I hope we can bring this debate back to real life and real people. I think some of the comments that have been made here are the kind that differs from reality. I wasn't going to stand up, and I did because I really was somewhat offended by some of the things that have been said here. You know, it really isn't possible for many people who are in fact stuck in a low-wage job that does not provide any kind of benefits, including the ability to stay home when you are sick and not be fired or be demoted, or be having some mark be put on to your record, someone in that position doesn't have the ability, they are not a free agent to go out and "negotiate" what their pay is and "negotiate" their benefits with some other employer. That is not the world that many, many people in this state live in. Many people that I know, that I am close to, that are my neighbors, they are not in that situation, and to say that someone who has been laid off from a good paying mill job is in a better position?

For many years I represented a larger senate district that included, I can't tell you how many mills that closed down—Carlton Woolen Mill, the mill in Gardiner—and these were people whose lives were totally disrupted and who did not have a lot of options, and many of whom may well have ended up in positions that now lack benefits and health care and the opportunity to have simply three days off when they are very, very sick. I think this is an important step, it is a small step, and I take issue with those who say there is no point in doing it because there aren't really any businesses out there that are affected. I don't believe that is the case because I know, personally, many people who will be affected by this in a positive way. This is about making our state healthier, it is about making sure that people can work and who do put in a hard days work.

I don't know where people are coming up with this that these single moms that barely make over minimum wage are going to be jetting off to Bermuda with these days off, it boggles my mind. I don't think it is respectful of the people that are working in these jobs to say that about them. The people that I know are struggling to keep their head above water, and if they have to stay home because they are very, very ill, they know that not only

are they not going to be paid, but there is going to be a mark put next to their name, which means they may be the first one laid off, or they get two or three of those marks and they are laid off, or they have not opportunity to advance in that workplace.

This does affect real people. I think we should think about that when we vote, and I hope that we will be voting to accept the Majority Report on this. I think this is a very important bill, it is a small step that is true, but it is a needed step, and I hope you will follow my light. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Winslow, Representative Fletcher.

Representative **FLETCHER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I will try to be brief. I can probably clear out the few people remaining, but as I have listened to this very impassioned debate, there is a phrase that comes to mind and it goes something like this: if you keep heading in the direction you are going, you will eventually get there. Let's see where we are going in the State of Maine.

In 1989, the per capita income in the State of Maine, compared to the rest of the nation, was 28 and in the middle. The direction we are going in, in 2004, we managed to lower that to 32—32 lowest in the nation. We are going in a direction. By the year 2006, we actually got it down to 39 in the nation. We are going in a direction. If you look at growth, the way everything pays for everything, in 2006, Maine's growth was 1.9 percent; the US average was 3.4 percent, and people in Maine have to struggle—low per capita incomes, reduced opportunities—to the point where nearly twice as many people in Maine have to hold multiple jobs just to get by than the rest of the nation. We are going in a direction. And we all know that we have one of the highest state and local tax burdens. Is this bill going to sink the ship? Probably not, but the real question we ought to ask is, is it going to raise it, is it going to move us in a direction we want to go. And I will conclude with this thought, which is not mine, but it is a phrase from Albert Einstein's quotes: We cannot solve our problems with the same thinking we use when we created them.

I would just ask you to think of this: How well is this strategy we have been working on for 20 or 30 years working? Are we raising the opportunities for Maine people? Are we creating places where people can thrive and not be dependent on minimum wage jobs? Are other forms of assistance just to get by? It does not have to be this way, but if we keep going in the direction we are going, we will eventually get there. Thank you very much, Mr. Speaker.

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

Representative **BURNS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. We live in a social organization. In this case, we call it Maine of the United States. Every society is stratified—every society is stratified, we all know that. We also live in the age of global economics. Carlton Woolen Mill is not here in Maine anymore, Etonic Shoe is not here in Maine anymore, Statler Tissue is not here in Maine anymore, not because of anything that Maine fails to offer, but because there are other parts of the globe that will offer them what we once abolished, and if you do not know what I am talking about, I will refer you to the Thirteenth Amendment: It abolished slavery, it abolished involuntary servitude. You can go to other parts of the globe today; you don't have to do business in America anymore, because we have opened with the gates with unfair trade agreements. Maine is the second highest tax burdened state in the Union, only in proportion or relation to income, but that is not because of anything we have done, except for our silence in letting people in other levels of government

engage in trade agreements that have caused great harm to all of America.

This is America, the Representative from Hampden is right and the Supreme Court, in West Coast Hotel versus Parrish, in 1937, it spoke on our obligation as state legislators, it spoke on this very issue of our obligation and right to establish the public health and safety, but we don't talk about that. Those are the parameters within which we operate, that body of law established by the Constitution and affirmed by all of our courts and we need to know that. There was, regarding workers' ability, we are talking about low-wage workers, regarding their ability to quit, to vote with their feet. There was recently a law review of the Thirteenth Amendment by Lea Vandervelde from the law school in Philadelphia, and this law review asserts that low-wage workers no longer have the right to quit because our economy has become so depressed as a result of unfair trade practices that they only have the choice to go from one low-wage job—I'm not going to call it an opportunity—to another. These are not opportunities; they offer nothing but involuntary servitude. We live in a social organization. In order for these people, these members of our community to survive, they must labor, and we as legislators, as a legislative body, must ensure that their rights are not violated, and Lea Vandervelde asserts and I agree with her that, because of the state of our economy, they have little choice and we are charged with looking after their interests. I know I am not changing anybody's votes, but darn it, I am reading a law review here that cites your voices from past legislative sessions, and if you fail to speak up then you fail to be a part of the process. Support this motion. Thank you.

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

Representative **CONNOR**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of the Majority Ought to Pass as Amended, and wish to speak to some of the comments of the good Representative from Hampden. In March, 80,000 jobs were lost in the US; in February and January, combined, 80,000 jobs were lost in the US, so the notion that an employee of the types of jobs that we are talking about can vote with their feet and leave and get a new job just does not meet with the reality. New England, Maine and the nation are struggling, that is not a surprise to anyone here. Companies are not doing as well as they once did, that is not a surprise to anyone here. But to think for a moment that the best way to solve that problem is to take sick mothers and sick fathers and send them into work and say who cares, keep going, spread the illness, get somebody next to you sick too, and that is somehow going to make us better? I think not.

When we look at this, I have heard folks from the other side say this is such a small issue for so few people, and yet the impact would be astronomical and bad for business. Again, I don't think that meets with the reality. If we are talking about a few companies and a few moms that are sick or have to care for a sick child, how can that, I pose a question through the Chair, how can that cause this big economic downturn that is being suggested? I don't think it meets with reality, I hope you will follow my light and support the Majority Ought to Pass as Amended. Thank you, Mr. Speaker.

The **SPEAKER PRO TEM**: The Representative from Kennebunk, Representative Connor has posed a question through the Chair to anyone who may care to respond. Seeing none.

The Chair recognizes the Representative from Sanford, Representative Tuttle.

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

The SPEAKER PRO TEM: The Representative may pose his question.

Representative TUTTLE: Do we have a quorum present?

Representative TUTTLE of Sanford inquired if a Quorum was present.

The SPEAKER PRO TEM: The Chair would respond that there is a quorum present.

The Chair responded that there was a quorum present.

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

Representative TUTTLE: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Sometimes issues need to be debated. I mean we have listened to the debate today, I am always one to get up and say if anybody has not made up their mind on this issue an hour ago, vote now, but I do feel strongly enough about this issue where I need to say a few things.

The good Representative from Skowhegan did bring up excellent points about people in shoe shops. I remember, as a young boy, watching my Aunt Margaret and my Aunt Gertrude working from the age of 12. I remember my Aunt Margaret at 67 years old coming home from her last shift on a July day, and going up and saying Johnny I am tired, I am going to sleep, and then she dies of a heart attack. I said to myself, as a young man, there must be a different way. She didn't have any pension, didn't have any benefits, didn't have any sick time.

Now as I mentioned before, I do think I have a solution for this issue. I am hoping I can get in the posture where I can do that, unless we accept the Majority Report that will never happen, I think that the interest of business and labor will go unsolved this year.

We had many people that spoke at the public hearing on this issue. There is a woman, by the name of Michelle, from Old Town who said, "When my daughter had scarlet fever, my employer not only did not pay me, they wrote me up." Christina of Portland: "I was working at Hannaford and I was shaking so bad that after an hour I threw up in the bathroom; they told me to go back to work." Christy of Saco: "I was not dependable enough because either me or my children would become ill." Nicole of Carmel: "When I was in school I worked as a waitress in a Bangor restaurant. I went to school during the day, I worked nights and weekends. If I was sick, I had to miss my shift which meant losing the only money supporting my child." Another one, Lisa from Belgrade: "Ten years ago my son almost died of pneumonia at the age of one. I did not have any paid sick days that I could use to care for him. Ultimately, I had to quit my job."

I am not going to read all of them. I have this article from the Portland Press Herald from a Maine business, a gentleman by the name of Andy Graham, who is a small business owner that employs a number of individuals. He says: "As a businessperson in Maine, there are always two bottom lines— what makes the most money in the short term, and what is best for the long term. In my 30 years in business, I have always provided my employees with the basics. These include a livable wage, health insurance and sick days. Providing these basics reflects my belief in what is the best long-term strategy, both for my business and for the state of Maine. Therefore, I strongly support a bill before the Maine Legislature."

He says that "providing sick days keeps my business efficient and working at peak productivity." "I don't have to pay expenses for recruiting or retraining because of unnecessary turnover." He closes by saying, "Healthy workers are critical to a productive and vibrant 21st century economy. This small investment in sick days for our workers is a responsibility that should be shared by all." Thank you, Mr. Speaker.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

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. 340

YEA - Adams, Babbidge, Barstow, Berry, Blanchette, Bliss, Boland, Brautigam, Briggs, Bryant, Burns, Cain, Canavan, Carey, Carter, Casavant, Clark, Connor, Craven, Crockett, Dill, Driscoll, Dunn, Eaton, Eberle, Faircloth, Farrington, Fischer, Fisher, Gerzofsky, Harlow, Hinck, Hogan, Kaenrath, Koffman, Makas, Marley, Mazurek, Miller, Miramant, Norton, Patrick, Pendleton, Peoples, Percy, Pingree, Piotti, Pratt, Priest, Rand, Rines, Simpson, Sirois, Theriault, Treat, Trinward, Tuttle, Wagner, Watson, Webster, Weddell, Wheeler, Mr. Speaker.

NAY - Annis, Austin, Ayotte, Beaudette, Beaudoin, Beaulieu, Berube, Browne W, Campbell, Cebra, Chase, Cotta, Cray, Crosthwaite, Curtis, Duchesne, Duprey, Edgecomb, Finch, Finley, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Grose, Hamper, Hanley S, Haskell, Hayes, Hill, Jacobsen, Johnson, Jones, Joy, Knight, Lansley, Lewin, Lundeen, MacDonald, Marean, McDonough, McKane, McLeod, Millett, Nass, Pieh, Pilon, Plummer, Prescott, Richardson D, Richardson W, Robinson, Samson, Sarty, Savage, Saviello, Schatz, Silsby, Strang Burgess, Sutherland, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Valentino, Vaughan, Walker, Weaver, Woodbury.

ABSENT - Blanchard, Cleary, Conover, Emery, Fitts, Jackson, McFadden, Mills, Moore, Muse, Perry, Pineau, Pinkham, Rector, Rosen, Smith N.

Yes, 63; No, 72; Absent, 16; Excused, 0.

63 having voted in the affirmative and 72 voted in the negative, with 16 being absent, and accordingly the Majority **Ought to Pass as Amended Report was NOT ACCEPTED.**

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

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

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

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

ROLL CALL NO. 341

YEA - Annis, Austin, Ayotte, Beaudette, Beaudoin, Beaulieu, Berube, Bliss, Briggs, Browne W, Campbell, Carter, Cebra, Chase, Cotta, Craven, Cray, Crosthwaite, Curtis, Duchesne, Duprey, Edgecomb, Finch, Finley, Fletcher, Flood, Gifford, Giles, Gould, Greeley, Grose, Hamper, Hanley S, Haskell, Hayes, Hill, Jacobsen, Johnson, Jones, Joy, Knight, Lansley, Lewin, Lundeen, MacDonald, Marean, Mazurek, McDonough, McFadden, McKane, McLeod, Millett, Nass, Pieh, Pilon, Plummer, Prescott, Richardson D, Richardson W, Robinson, Samson, Sarty, Savage, Saviello, Schatz, Silsby, Smith N, Strang Burgess, Sutherland, Sykes, Tardy, Thibodeau, Thomas, Tibbetts, Valentino, Vaughan, Walker, Weaver, Woodbury.

NAY - Adams, Babbidge, Barstow, Berry, Blanchette, Boland, Brautigam, Bryant, Burns, Cain, Canavan, Carey, Casavant, Clark, Connor, Crockett, Dill, Driscoll, Dunn, Eaton, Eberle,

Faircloth, Farrington, Fischer, Fisher, Gerzofsky, Harlow, Hinck, Hogan, Kaenrath, Koffman, Makas, Marley, Miller, Mills, Miramant, Norton, Patrick, Pendleton, Peoples, Percy, Pingree, Piotti, Pratt, Priest, Rand, Rines, Simpson, Sirois, Theriault, Treat, Trinward, Tuttle, Wagner, Watson, Webster, Weddell, Wheeler, Mr. Speaker.

ABSENT - Blanchard, Cleary, Conover, Emery, Fitts, Jackson, Moore, Muse, Perry, Pineau, Pinkham, Rector, Rosen.

Yes, 79; No, 59; Absent, 13; Excused, 0.

79 having voted in the affirmative and 59 voted in the negative, with 13 being absent, and accordingly the Minority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Resolve, To Direct a Review of Issues Concerning the Maine Tree Growth Tax Law

(H.P. 421) (L.D. 543)

(S. "A" S-526 to C. "A" H-656)

TABLED - April 4, 2008 (Till Later Today) by Representative PIOTTI of Unity.

PENDING - **FINAL PASSAGE**.

On motion of Representative PIOTTI of Unity, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Resolve was **PASSED TO BE ENGROSSED**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-656) as Amended by Senate Amendment "A" (S-526)** was **ADOPTED**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Senate Amendment "A" (S-526) to Committee Amendment "A" (H-656)** was **ADOPTED**.

On further motion of the same Representative, **Senate Amendment "A" (S-526) to Committee Amendment "A" (H-656)** was **INDEFINITELY POSTPONED**.

The same Representative **PRESENTED House Amendment "A" (H-956) to Committee Amendment "A" (H-656)** which was **READ** by the Clerk.

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

Representative PIOTTI: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I apologize. Thank you for your indulgence. It is amazing what we have to go through to correct the actions of the other body. Simply put, what we are doing is amending this Unanimous Report by simply adding a few words. This is pulling together a task force, and it is making it clear that that task force will not have more than ten members. But, because the other body had put another amendment in the same section, we had to strip off that amendment before we could put this one forward. That is why the process was so involved. Thank you for your patience.

House Amendment "A" (H-956) to Committee Amendment "A" (H-656) was **ADOPTED**.

Committee Amendment "A" (H-656) as Amended by House Amendment "A" (H-956) thereto was **ADOPTED**.

The Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-656) as Amended by House Amendment "A" (H-956)** thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

CONSENT CALENDAR

First Day

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

(S.P. 771) (L.D. 1977) Resolve, To Establish a Statewide Protocol for the Early Detection and Treatment of Autism Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-565)**

(S.P. 827) (L.D. 2159) Bill "An Act To Advance the Maine Economy" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-566)**

(S.P. 891) (L.D. 2263) Bill "An Act Establishing an Outdoor Wood Boiler Fund" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-567)**

(S.P. 904) (L.D. 2275) Resolve, Authorizing the Creation of a Veterans Campus and the Conveyance of the State's Interest in Certain Real Property in the City of Bangor Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-568)**

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

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED as Amended** in concurrence.

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

HOUSE DIVIDED REPORT - Report "A" (8) **Ought Not to Pass** - Report "B" (2) **Ought to Pass as Amended by Committee Amendment "B" (H-909)** - Report "C" (2) **Ought to Pass as Amended by Committee Amendment "C" (H-910)** - Report "D" (1) **Ought to Pass as Amended by Committee Amendment "D" (H-911)** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Improve the Essential Programs and Services Funding Formula" (H.P. 759) (L.D. 1041)

Which was **TABLED** by Representative NORTON of Bangor pending her motion to **ACCEPT** Report "A" **Ought Not to Pass**.

Subsequently, Report "A" **Ought Not to Pass** was **ACCEPTED**. Sent for concurrence.

The following item was taken up out of order by unanimous consent:

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-940)** on Bill "An Act To Protect Consumers' Gift Card Interests"

(H.P. 1551) (L.D. 2181)

Signed:

Senators:

HOBBINS of York

NUTTING of Androscoggin

Representatives:

SIMPSON of Auburn
BRYANT of Windham
MILLS of Farmington
DUNN of Bangor
DILL of Cape Elizabeth

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

Signed:

Senator:

HASTINGS of Oxford

Representatives:

CASAVANT of Biddeford
NASS of Acton
BERUBE of Lisbon
JACOBSEN of Waterboro
GOULD of South Berwick

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

READ.

Representative PINGREE of North Haven moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

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

Representative **THERIAULT**: On Roll Call vote 330, I would have voted yea; on 311, nay. Thank you, Mr. Speaker.

At this point, the Members of the House stood and joined in a moment of silence in honor of a former member, the Honorable Abigail Holman, of Fayette.

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

On motion of Representative PERCY of Phippsburg, the House adjourned at 5:08 p.m., until 9:00 a.m., Tuesday, April 8, 2008 in honor and lasting tribute to the Honorable Abigail Holman, of Fayette.